

# TURKEY (TÜRKIYE) 2022 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Turkey is a constitutional republic with an executive presidential system and a unicameral 600-seat parliament (the Grand National Assembly). In presidential and parliamentary elections in 2018, Organization for Security and Cooperation in Europe observers expressed concern regarding restrictions on media reporting and the campaign environment, including the jailing of a presidential candidate, that restricted the ability of opposition candidates to compete on an equal basis and campaign freely.

The National Police and Jandarma, under the control of the Ministry of Interior, are responsible for security in urban areas and rural and border areas, respectively. The military has overall responsibility for border control. Civilian authorities maintained effective control over security forces. Members of the security forces committed abuses, and impunity was a significant problem.

Under broad antiterror legislation passed in 2018, the government continued to restrict the enjoyment of human rights and fundamental freedoms and compromised the rule of law. Since the 2016 coup attempt, authorities have dismissed or suspended tens of thousands of civil servants and government workers, including more than 60,000 police and military personnel and more than 4,000 judges and prosecutors, arrested or imprisoned more than 95,000 citizens, and closed more than 1,500 nongovernmental organizations on terrorism-related grounds, primarily for alleged ties to the movement of cleric Fethullah Gulen, whom the government accused of masterminding the 2016 coup attempt and designated as the leader of the “Fethullahist Terrorist Organization.”

Significant human rights issues included credible reports of: arbitrary killings; suspicious deaths of persons in custody; forced disappearances; torture; arbitrary arrest and continued detention of tens of thousands of persons, including opposition politicians and former members of parliament, lawyers, journalists, human rights activists, and an employee of the U.S. Mission, for purported ties to

“terrorist” groups or peaceful legitimate speech; political prisoners, including elected officials; transnational reprisal against individuals located outside the country, including kidnappings and transfers of alleged members of the Gulen movement without adequate fair trial guarantees or other legal protections; significant problems with judicial independence; support for Syrian opposition groups that perpetrated serious abuses in conflict, including the unlawful recruitment and use of child soldiers; severe restrictions on freedom of expression and press freedom, including violence and threats of violence against journalists, closure of media outlets, and arrests or criminal prosecution of journalists and others for criticizing government policies or officials, censorship, site blocking, and criminal libel laws; serious restrictions on internet freedom; severe restriction of freedoms of peaceful assembly and association, including overly restrictive laws regarding government oversight of nongovernmental organizations and civil society organizations; restrictions on movement; refoulement of refugees; serious government harassment of domestic human rights organizations; lack of investigation and accountability for gender-based violence; crimes involving violence targeting members of national/racial/ethnic minority groups; and crimes involving violence against lesbian, gay, bisexual, transgender, queer, and intersex persons.

The government took limited steps to investigate, prosecute, and punish officials and members of the security forces accused of human rights abuses or engaged in corruption and impunity remained a problem. The government took limited steps to investigate allegations of high-level corruption.

Clashes between security forces and the Kurdistan Workers’ Party terrorist organization and its affiliates continued and resulted in the injury or death of security forces, terrorists, and civilians. The government did not release information on efforts to investigate or prosecute personnel for wrongful or inadvertent deaths of civilians linked to counterterrorism operations.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically**

## **Motivated Killings**

There were credible reports that the government contributed to civilian deaths in connection with its fight against the terrorist Kurdistan Workers' Party (PKK) organization in the southeast, although civilian deaths continued to decline in recent years (see section 1.g.). Kurdish individuals were disproportionately impacted. The PKK continued to target civilians in its attacks; the government continued to work to block such attacks.

According to the Human Rights Association (HRA) 2022 report, 96 individuals in the country lost their lives due to armed conflict in the first 11 months of the year, including five civilians and 21 security force members; 70 PKK militants were killed in the country and surrounding regions in PKK-related clashes. Human rights groups stated the government took insufficient measures to protect civilian lives in its fight with the PKK.

The PKK continued its campaign of attacks on government security forces, resulting in civilian deaths. PKK attacks focused particularly on southeastern provinces. In June, one person was injured as a result of a handmade explosive the PKK set along a road in the Pervari district of Siirt. The device was detonated as a minibus passed by. In September one police officer was killed and another seriously injured in an attack on a police guesthouse in Mersin, for which the PKK claimed responsibility. In April a remote-controlled handmade explosive detonated in Bursa's Osmangazi district as a bus transporting guards to a prison passed by, killing a prison guard and wounding several others. According to media reports, the PKK-affiliated Peoples' United Revolutionary Movement claimed it carried out the attack.

On October 15, the PKK's armed wing, the People's Defense Forces, announced it killed a civilian named Ozan Ciftci, whom they refer to as "an agent of the Turkish intelligence service National Intelligence Organization (MIT)," blaming him for the deaths of PKK members inside the country. The People's Defense Forces did not disclose the exact time and the location of the death. Press outlets later announced that Ciftci was a former People's Democratic Party (HDP) delegate. Neither the government nor the HDP issued a statement on the incident.

On November 13, a bomb exploded on Istanbul's Istiklal Avenue killing six persons and injuring 81 others. No group claimed responsibility, but government authorities attributed the attack to the PKK and arrested the alleged bomber and dozens more. Following the attack, Turkish forces bombed nearly 500 targets in Syria and Iraq, killing at least 10 civilians.

There were also other credible reports that the country's military operations outside its borders led to the deaths of civilians (see section 1.g.).

According to the Baran Tursun Foundation, an organization that monitors police brutality, police killed 430 individuals, including 95 children, for disobeying stop warnings between 2007 and September. According to the report, police killed 18 individuals throughout the year. On August 23, Orhan Azman died under suspicious circumstances while in police custody in the western province of Manisa. He was detained for causing a noise disturbance with his motorbike and resisting police while out with friends. The following morning, police claimed he committed suicide by hanging himself, although camera recordings were found to be missing, and his family claims he was taller than the place he was found. An investigation was ongoing.

By law MIT members are immune from prosecution as are security officials involved in fighting terror, complicating accountability, and making it harder for prosecutors to investigate extrajudicial killings and other human rights abuses by requiring they obtain permission from both military and civilian leadership prior to pursuing prosecution.

## **b. Disappearance**

Domestic and international human rights groups reported instances of disappearances they alleged were politically motivated. The HRA reported at least three abductions and one attempted abduction within the first 11 months of the year.

No further investigation was shared on the disappearance and subsequent reappearance in police custody of Huseyin Galip Kucukozyigit. A former legal advisor to the Prime Minister's Office, Kucukozyigit was dismissed after the 2016 coup attempt and first identified as a possible victim of forced disappearance in

February 2021. His relatives believed he was abducted, as their last contact with him was in December 2020. Authorities initially denied Kucukozyigit was in official custody, but in September 2021, Kucukozyigit's daughter announced on social media she received a telephone call from him and that he was in Sincan Prison in Ankara.

Human rights organizations appealed for authorities to investigate the disappearance of Yusuf Bilge Tunc, one of seven men reportedly "disappeared" by the government in 2019; six of the seven surfaced in 2019 in police custody on terrorism charges, but Tunc's whereabouts remained unknown.

The government declined to provide information on efforts to prevent, investigate, and punish such acts.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment, but domestic and international rights groups reported that some police officers, prison authorities, and military and intelligence units employed these practices. Domestic human rights organizations, bar associations, political opposition figures, international human rights groups, and others reported that government agents engaged in threats, mistreatment, and possible torture of some persons while in custody. Individuals with alleged affiliation with the PKK or the Gulen movement were more likely to be subjected to mistreatment, abuse, or possible torture.

Reports from human rights groups indicated police abused detainees outside police station premises, and mistreatment and alleged torture were more prevalent in some police facilities in parts of the southeast. In July 2021, a consortium of nongovernmental organizations (NGOs), including the Human Rights Foundation of Turkey (HRFT), told the press that "police violence has become a part of daily life" and observed that authorities increasingly intervened in peaceful protests and demonstrations. HRFT reported receiving a record number of complaints from 1,130 individuals in the first 11 months of the year alleging they were subjected to torture and other forms of mistreatment while in custody or at extra-custodial

locations. According to the findings of the HRA Documentation Unit, at least 980 persons were subjected to torture and other forms of ill-treatment in places of official detention during the first 11 months of the year. The HRA reported that intimidation and shaming of detainees by police were common practices and that victims hesitated to report police abuse due to fear of reprisal.

On April 12, the Lawyers for Freedom Association issued a statement alleging 60 prison guards tortured prisoners in Istanbul's maximum-security prison Silivri (renamed Marmara Prison as of September) on April 6. Subsequently, six prisoners attempted suicide, according to the allegations. Representatives from the HRA said prison authorities beat, tortured, withheld medical care, and encouraged suicide among the prisoners. One guard gave a prisoner a rope and told him to hang himself, alleged the prisoner. The HRA called on the Ministry of Justice to investigate these allegations and "stop the torture and ill-treatment of prisoners and improve their living conditions." Press outlets released a video of one prisoner, Ferhan Yilmaz, involved in the alleged incident. The video shows Yilmaz on a respirator in the intensive care unit, with contusions and swelling on his face. Yilmaz subsequently died in prison; prison officials attributed the death to cardiac arrest, but his family alleged it was the result of torture. The Chief Prosecutor's Office launched an investigation and stated that there was untrue news and disinformation in the press regarding the death of Ferhan Yilmaz.

Human rights organizations reported police allegedly tortured or otherwise mistreated detainees, and in some cases their legal representatives, from the June 26 Istanbul Pride March. Police detained 373 march participants, including 34 minors, and brought them to the Istanbul Security Directorate to provide statements. Before reaching the security directorate, detainees were reportedly kept in buses for hours with their hands cuffed behind their back, while their requests for food, water, and sanitary facilities were denied. Legal representatives reported police kept doors and windows of the buses closed and denied requests to turn on the air conditioning, with each bus reporting that the air conditioner unit was broken. The heat exposure reportedly caused some detainees to faint. Many detainees reported torture by police officers at the police station and outside of hospitals. According to a joint statement by the World Organisation Against Torture, the HRA, and the HRFT, police also reportedly attacked lawyers

representing the protesters, sexually assaulting two women lawyers. The detainees, protesters, and rights defenders were released on June 27.

Human rights groups reported police frequently used excessive force during detentions, injuring protesters. For example, in March riot police clashed with crowds gathering to celebrate International Women's Day in Istanbul, firing pepper spray to disperse the crowd. In May police clashed with demonstrators around Istanbul's main Taksim Square attempting to commemorate the ninth anniversary of the Gezi Park protests. Police surrounded the park with barricades and blocked the entrance with a bus to prevent demonstrators from entering. Police detained one group that chanted slogans. After officers blocked the path of another group marching towards the park, they fired tear gas at the demonstrators. Women's rights organizations present during the demonstrations reported police violently shoved them. The Committee to Protect Journalists (CPJ) reported police pushed, beat, and teargassed several journalists covering the protest; six journalists were detained overnight while covering the event, some reporting they were hit and kicked while in detention. Police hit Erdinc Yılmaz, a reporter for *Halk TV*, in the head with a shield while he was on the air covering the gathering, according to a video by the outlet. Police reportedly kicked a camera operator from a different outlet and threw him to the ground. According to CPJ, "Police violence toward field reporters in Turkey is unacceptably routine" (see section 2).

The government asserted it followed a "zero tolerance" policy for torture and has abolished the statute of limitations for cases of torture. In its *World Report 2022*, Human Rights Watch (HRW) found there was "little evidence to suggest prosecutors made progress in investigating the rising allegations of torture and ill-treatment in police custody and prison reported over the past five years" and noted a "pervasive culture of impunity" for members of the security forces and public officials implicated. Those targeted included persons accused of political and common crimes. According to Ministry of Justice statistics from September, the government opened 2,190 investigations into allegations of torture and mistreatment. Of those, 953 resulted in no action being taken by prosecutors, 866 resulted in criminal cases, and 317 in other decisions, with the remaining still under investigation.

The government did not release details on its investigations into alleged torture.

According to World Organisation Against Torture Secretary General Gerald Staberock, “Dismal conditions of detention have been the norm in Turkey for many years. With imprisonment rates skyrocketing over the past decade, torture, ill-treatment, and medical neglect are reaching crisis levels.”

NGOs and opposition politicians reported that prison administrators used strip searches punitively against prisoners and visitors, particularly in cases where the prisoner was convicted on terrorism charges. In August a boy, age 17, was included in a group of persons detained during a demonstration of the families of ill prisoners, and they were later strip searched by police in the Bahcelivler Police Station in Istanbul.

Some military conscripts reportedly endured severe hazing, physical abuse, and torture that sometimes resulted in death or suicide. Human rights groups reported suspicious deaths in the military, particularly among conscripts of minority Alevi and Kurdish backgrounds. The government did not systematically investigate such incidents or release data on them. The HRA and HRFT reported at least 10 deaths of soldiers performing compulsory military service were the result of accidents or occurred under suspicious circumstances during the first 11 months of the year. The government did not release information on its efforts to address abuse through disciplinary action and training.

Impunity was a significant problem in the security forces. The Ombudsman Institution, the National Human Rights and Equality Institution, prosecutors’ offices, criminal courts, and parliament’s Human Rights Commission are authorized by law to investigate reports of security force killings, torture, or mistreatment, excessive use of force, and other abuses. Civil courts, however, remained the main recourse for those alleging such abuses.

In December a court sentenced three police officers to prison for four years and two months on charges of “intentionally injuring a person’s life by abusing the influence of a public official” for the beating of Omur Celebi. In February 2021 while out searching for an open pharmacy at night, Omur Celebi was stopped by the three police, beaten, and left on the side of the road. He suffered fractured ribs and a collapsed lung as a result.



## **Prison and Detention Center Conditions**

Prisons generally met standards for physical conditions (i.e., infrastructure and basic equipment), but significant problems with overcrowding resulted in conditions in many prisons that the Council of Europe's Committee for the Prevention of Torture (CPT) found could be considered inhuman and degrading in its 2017 and 2019 visits. A report of CPT's 2021 visit has not yet been released. While detention facilities were generally in a good state of repair and well ventilated, many facilities had structural deficiencies that made them unsuitable for detention lasting more than a few days.

**Abusive Physical Conditions:** Prison overcrowding remained a significant problem. According to the Ministry of Justice, as of December the country had 396 prisons with a capacity for 286,797 inmates and was over capacity by 49,518 prisoners (an estimated total inmate population of 336,315).

If separate prison facilities for minors were not available, minors were held in separate sections within separate male and female adult prisons. Children younger than six were allowed to stay with their incarcerated mothers. The NGO Civil Society in the Penal System estimated that as of August, 383 children were being held with their mothers. Pretrial detainees were held in the same facilities as convicted prisoners.

The government did not regularly release data on inmate deaths due to physical conditions or actions of staff members. According to varying reports from the HDP and data collected by the HRA, as of December between 61 and 73 prisoners died in prisons since December 2021. The HDP report found 39 died due to illness and 34 due to suicide. HRA noted various causes including sickness, suicide, violence, and negligence. According to data from Civil Society in the Penal System, from January to August there were 42 suspicious deaths.

In September an HDP member of parliament submitted a parliamentary question regarding the circumstances of the death of a prisoner (sentenced to 18 years for drug crimes) who died on September 6 in the Diyarbakir Women's Closed Prison. In her motion, the parliamentarian noted the prisoner's right to health care had been increasingly violated in recent years.

Human rights organizations and CPT reports asserted prisoners frequently lacked adequate access to potable water, proper heating, ventilation, lighting, food, and health services. Human rights organizations also noted that prison overcrowding and poor sanitary conditions exacerbated health risks. Prisons did not provide disinfectant, gloves, or masks to prisoners, but instead sold them at commissaries. Adequate materials are not provided to prisoners who are unable to pay. According to a March survey of prisoners by the NGO Media and Law Studies Association conducted in five facilities, 56 percent of respondents reported not having sufficient hygienic supplies.

According to Ministry of Justice's prison and correctional facilities statistics, as of September, there were seven medical doctors, 195 dentists, 129 nurses, 895 psychologists, and 457 other health workers serving the prison population. Human rights associations expressed serious concern regarding the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors. NGOs reported that prison wardens rather than health-care officials often decided whether to allow a prisoner's transfer to a hospital. According to the Human Rights Association, there were 1,517 ill prisoners across the country, with 651 seriously ill as of December. Reports by human rights organizations suggested some doctors refused to issue medical reports alleging torture due to fear of reprisal. As a result, victims were often unable to get medical documentation of their abuse.

Chief prosecutors have discretion, particularly under the wide-ranging counterterrorism law, to keep prisoners they deem dangerous to public security in pretrial detention, regardless of medical reports documenting serious illness.

Former HDP deputy cochair Aysel Tugluk, who suffers from dementia and early-stage Alzheimer's, has been held for five years on charges of membership in a terrorist organization. Tugluk's lawyer's application for her release was denied, despite medical reports stating that she is unfit to remain in prison due to her medical condition.

**Administration:** Authorities at times investigated credible allegations of abuse and inhuman or degrading conditions but generally did not document the results of such investigations in a publicly accessible manner or disclose publicly whether

actions were taken to hold perpetrators accountable. Some human rights activists and lawyers reported that prisoners and detainees were sometimes arbitrarily denied access to family members and lawyers.

**Independent Monitoring:** The government allowed prison visits by some observers, including parliamentarians. The Ministry of Interior reported that under the law, prisons were to be monitored by domestic government entities including the Human Rights and Equality Institution of Turkey and the Parliamentary Commission for Investigating Human Rights. The CPT, the Council of Europe's Commissioner for Human Rights, and the UN Working Group on Arbitrary Detention were also granted access to monitor prisons.

The government did not allow independent NGOs to monitor prisons. NGOs such as the HRA and Civil Society in the Penal System published periodic reports on prison conditions based on information provided by parliamentarians, correspondence with inmates, lawyers, inmates' family members, and press reports.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of arrest or detention in court, but numerous credible reports indicated the government did not always observe these requirements.

Human rights groups noted authorities continued to detain, arrest, and try hundreds of thousands of individuals with alleged ties to the Gulen movement or the PKK under terrorism-related charges, often applying questionable evidentiary standards and without the full due process provided under the law (see sections 1.e. and 2.a.). Domestic and international legal and human rights groups criticized the judicial process in these cases, asserting the judiciary lacked impartiality and defendants were sometimes denied access to the evidence underlying the accusations against them.

On the sixth anniversary of the 2016 coup attempt in July, the minister of interior announced authorities had detained 332,884 and arrested 101,000 individuals since the coup attempt on grounds of alleged affiliation with the Gulen movement, which

the government designated as a terrorist organization. According to the statement, there were still 19,252 Gulen movement detainees in prisons and approximately 24,000 fugitives still being sought. Between July 2021 and July 2022, the government detained 20,763 individuals and arrested 1,877 individuals for connections to the Gulen movement. In October the Council of State ruled for the reinstatement of 178 judges and prosecutors who were dismissed by government decrees based on alleged ties to Fethullah Gulen (see also section 1.e., Denial of Fair Public Trial; and Civil Judicial Procedures and Remedies).

The courts in some cases applied the law unevenly, with legal critics and rights activists asserting court and prosecutor decisions were sometimes subject to executive interference.

### **Arrest Procedures and Treatment of Detainees**

The law requires prosecutors to issue warrants for arrests unless the suspect is detained while committing a crime. The period for arraignment may be extended for up to four days. Formal arrest is a measure, separate from detention, which means a suspect could be held in jail unless released by a subsequent court order. For crimes that carry potential prison sentences of less than three years' imprisonment, a judge may release the accused after arraignment upon receipt of an appropriate assurance, such as bail. For more serious crimes, the judge may either release the defendant on their own recognizance or hold the defendant in custody (arrest) prior to trial if there are specific facts indicating the suspect may flee, attempt to destroy evidence, or attempt to pressure or tamper with witnesses or victims. Judges often kept suspects in pretrial detention without articulating a clear justification for doing so.

While the law generally provides detainees the right to immediate access to an attorney, it allows judges to deny such access for up to 24 hours. In criminal cases the law also requires the government to provide indigent detainees with a public attorney if they request one. In cases where the potential prison sentence for conviction is more than five years' imprisonment or where the defendant is a child or a person with disabilities, a defense attorney is appointed, even absent a request from the defendant. Human rights observers noted that in most cases authorities provided an attorney if a defendant could not afford one.

The government may detain without charge (or appearance before a judge) a suspect under suspicion of terror-related crimes for 48 hours for “individual” offenses and 96 hours for “collective” offenses. These periods may be extended twice with the approval of a judge, amounting to six days for “individual” and 12 days for “collective” offenses. Human rights organizations raised concerns that police authority to hold individuals for up to 12 days without charge increased the risk of mistreatment and torture.

The law gives prosecutors the right to suspend lawyer-client privilege and to observe and record conversations between accused persons and their legal counsel. Bar associations reported detainees occasionally had difficulty gaining immediate access to lawyers, because government decrees restricted lawyers’ access to detainees and prisons, especially for those attorneys not appointed by the state, and because many lawyers were reluctant to defend individuals the government accused of having ties to the 2016 coup attempt. Human rights organizations reported the 24-hour attorney access restriction was arbitrarily applied and that in terrorism-related cases, authorities often did not inform defense attorneys of the details of detentions within the first 24 hours, as required by law. In such cases rights organizations and lawyers’ groups reported attorneys’ access to the case files for their clients was limited for weeks or months pending preparations of indictments, hampering their ability to defend their clients.

Some lawyers stated they were hesitant to take cases, particularly those of suspects accused of PKK or Gulen movement ties, for fear of government reprisal, including prosecution. Many lawyers defending persons accused of terrorism have faced criminal charges themselves. This practice disproportionately affected access to legal representation in the southeast, where accusations of affiliation with the PKK were frequent and the ratio of lawyers to citizens was low. Government intimidation of defense lawyers also at times involved nonterror cases, including freedom of expression cases.

According to human rights organizations, as of November, authorities had prosecuted more than 1,600 lawyers, arrested 615, and sentenced 551 to lengthy prison terms on terrorism-related charges since the 2016 coup attempt. Of the arrested lawyers, 15 were active or former presidents of provincial bar associations.

Authorities launched five investigations over the past several years against lawyer and former president of the Diyarbakir Bar Association Cihan Aydin, as well as the members of the bar association's board of directors. The investigations were based on a 2019 statement of the bar association's Women's Rights Center calling for an end to the country's military action in Syria and for diplomatic resolution of the conflict, as well as comments regarding the relocation of Armenians in 1915. The International Committee of Jurists and other human rights groups called for authorities to stop prosecution of Aydin.

On November 11, after a 10-year-long trial, 22 lawyers of the Progressive Lawyers Association were sentenced to 146 years in prison on charges related to membership in a terrorist organization and spreading terror propaganda. The investigation was initiated in 2013 and reopened in 2016 following the attempted coup.

**Arbitrary Arrest:** Although the law prohibits holding a suspect arbitrarily or secretly, there were numerous reports that the government did not observe these prohibitions. Human rights groups alleged that in areas under curfew or in "special security zones," security forces detained citizens without official record, leaving detainees at greater risk of arbitrary abuse.

In June, 22 members and executives of the Migration Monitoring Association in Istanbul were arbitrarily detained and 16 were subsequently arbitrarily arrested. They were barred from seeing their lawyers for 24 hours, and a confidentiality order, barring news outlets from reporting on the topic, was placed on the investigation file; it is still in force. The four-day detention period was extended before they were questioned on books the organization published on forced migration before six were released and the rest sent to prison. Due to the confidentiality order, neither the charges nor the alleged evidence against the defenders were known, though their lawyers believed they may be accused of "membership in an armed organization" based on their human rights-related monitoring and reporting. During their December 15 hearing, the defendants' lawyers were removed from the hearing, and four defendants with health concerns were released and placed under house arrest.

Also in June, 22 media workers, including 20 Kurdish journalists, in Diyarbakir

were arbitrarily detained. Sixteen of them were subsequently arrested and charged with “membership in an armed organization.” The other six were released under judicial control. In September a Diyarbakir court rejected a second appeal of the arrest. The lawyer for the detainees stated they did not know what evidence the authorities had. Four of the detainees, all women journalists, have begun a hunger strike to draw attention to what they say were violations of their rights, including camera surveillance in the prison, strip searches, and lack of medical care for ill prisoners.

Gulser Yildirim, a former HDP member of parliament, was held without justification in prison despite completing her seven years and six months prison sentence in June. Her appeal had yet to be heard before the Court of Cassation as of year’s end. After a four-month delay in her release, she was placed directly into house arrest in October for a home detention sentence related to separate charges under the Kobani case. The Court of Cassation responsible for the case did not provide a response to her four petitions to be released from prison.

**Pretrial Detention:** Prolonged pretrial detentions continued, particularly in politically motivated cases. The maximum time an arrestee may be held pending trial with an indictment is seven years, including for crimes against the security of the state, national defense, constitutional order, state secrets and espionage, organized crime, and terrorism-related offenses. Pretrial detention during the investigation phase of a case (before an indictment) is limited to six months for cases that do not fall under the purview of the heavy criminal court, referred to by the International Criminal Police Organization (INTERPOL) as the central criminal court, and one year for cases that fall under the heavy criminal court. The length of pretrial detention generally did not exceed the maximum sentence for the alleged crimes. For other major criminal offenses tried by high criminal courts, the maximum detention period after indictment remained two years with the possibility of three one-year extensions, for a total of five years. For terrorism-related cases, the maximum period of pretrial detention during the investigation phase is 18 months, with the possibility of a six-month extension.

Rule of law advocates noted that broad use of pretrial detention had become a form of summary punishment, particularly in cases that involved politically motivated terrorism charges.

The trial system does not provide for a speedy trial, and trial hearings were often several months apart, despite provisions in the code of criminal procedure for continuous trial. Trials sometimes began years after indictment, and appeals could take years more to reach conclusion.

According to September statistics from the Ministry of Justice, 38,537 persons were held in pretrial detention, accounting for approximately 12 percent of the overall prison population.

### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but the judiciary remained subject to influence, particularly from the executive branch.

The executive branch exerts strong influence over the Board of Judges and Prosecutors, the judicial body that assigns and reassigns judges and prosecutors to the country's courts nationwide and is responsible for their discipline. Out of 13 total judges on the board, the president directly appoints six: the executive branch and parliament appoint 11 members (seven by parliament and four by the president) every four years; the other two members are the presidentially appointed justice minister and deputy justice minister. The ruling party controlled both the executive and the parliament when the existing members were appointed in 2017. Although the constitution provides tenure for judges, the Board of Judges and Prosecutors controls the careers of judges and prosecutors through appointments, transfers, promotions, expulsions, and reprimands. Broad leeway granted to prosecutors and judges undermines the requirement to remain impartial, and judges' inclination to give precedence to the state's interests contributed to inconsistent application of laws. Bar associations, lawyers, and scholars expressed concern regarding application procedures for prosecutors and judges described as highly subjective, which they warned opened the door to political litmus tests in the hiring process.

The judiciary faced several problems that limited judicial independence, including intimidation and reassignment of judges and allegations of interference by the executive branch. Directly following the 2016 coup attempt, the government suspended, detained, or fired nearly one-third of the judiciary, who were accused



of affiliation with the Gulen movement. The government in the intervening years filled the vacancies and expanded hiring of new personnel, increasing the overall number of judges and prosecutors to above precoup levels, but the judiciary continued to experience the effects of the purges. For example, because of the purges over a third of the country's prosecutors and judges have less than five years of legal experience. In May, as part of a judicial reform effort, the government introduced a new trainee program for new-hire judges and prosecutors. Under this program, new hires would serve as assistants to senior colleagues for three years before handling cases independently.

A May poll conducted by AKSOY Research Company found that only 18 percent of respondents trusted the justice system. According to AKSOY's reporting, only 15.7 percent of citizens thought the judiciary was independent.

Observers raised concerns that the outcome of some trials appeared predetermined or pointed to judicial interference. Human rights groups and trial monitoring organizations reported that in politically sensitive cases, judges frequently barred journalists and observers from the courtroom, interrupted defendants' statements, did not allow them to speak, rejected defense requests without explanation, handed down a decision without listening to the defendant's statement, among other procedural irregularities.

On April 25, prominent philanthropist and businessman Osman Kavala was sentenced to life imprisonment after being convicted on charges of "attempting to overthrow the government" in connection with his alleged involvement in the 2016 coup attempt and the 2013 Gezi Park protests. He was acquitted on separate espionage charges. The other seven defendants in the case, including architect Mucella Yapici, age 71, Istanbul municipality urban planner Tayfun Kahraman, and documentary filmmaker Cigdem Mater, were each sentenced to 18 years in prison and immediately taken into custody from the courtroom. Kavala's case garnered international attention when he was first arrested in 2017 for allegedly orchestrating and financing nationwide antigovernment protests, including the Gezi Park protests in 2013, and spending more than four years in prison without a trial. He was acquitted of his involvement in the 2013 protests in 2020 and was immediately re-arrested before leaving prison grounds in relation to charges related to the 2016 coup attempt. The European Court of Human Rights (ECHR) ruled the

charges against Kavala to be politically motivated and ordered his release. The ECHR also ruled there was insufficient information in the 2020 charges to justify a new indictment. Kavala's lawyers added the philanthropist was prosecuted for political reasons. Lawyers monitoring the trial asserted several violations of the right to a free trial during the April 22 and 25 hearings including: prohibition of discussion of the evidence cited against the defendants, judges not listening to defendant and lawyer testimony, and the candidacy of one of the judges during 2018 elections on ruling party voting lists.

Prosecutors in August 2021 merged the Kavala case with the case against the soccer fan club Besiktas Carsi. The Besiktas Carsi case involved 35 members of the club accused of various offenses related the Gezi Park protests, including "attempting a coup," "establishing and leading a criminal organization," "resistance to the police," "opposing the law on meeting and demonstration marches," and "attempting to overthrow the government." In April 2021, the Court of Cassation, the country's highest appeals court, overturned a 2015 acquittal of the 35 Besiktas members. In May, the cases were re-segregated, and the case continued at year's end. Kavala's lawyers argued the philanthropist was not involved with Besiktas Carsi. The judge who ordered the re-arrest of Kavala and a prominent journalist, Sedef Kabas, was promoted in September.

The country has an inquisitorial criminal justice system. The system for educating and assigning judges and prosecutors fosters close connections between the two groups, which some legal experts claimed encouraged impropriety and unfairness in criminal cases. There are no military courts, and military justice is reserved for disciplinary action, not criminal cases.

Lower courts at times ignored or significantly delayed implementation of decisions reached by the Constitutional Court. The government rarely implemented ECHR decisions, despite the country's obligation to do so as party to the ECHR.

According to the NGO European Implementation Network, the country has not implemented 57 percent of ECHR decisions from the previous 10 years. For example, it has not implemented the ECHR decision on the illegality of pretrial detention of former Constitutional Court judge Alparslan Altan, who was arrested and convicted following the 2016 coup attempt. In February 2021, the Court of Cassation upheld Altan's 11-year prison sentence, and he remained in prison at

year's end. In December 2021, President Erdogan stated that Turkey does not recognize ECHR rulings in the Osman Kavala and Selahattin Demirtas cases (see Political Prisoners and Detainees) and described the rulings as “null and void.” He also stated, “We do not recognize the decision of the European Union [sic] above the decision of our judiciary.” In response to the nonimplementation of the Kavala ruling, the Council of Europe launched an infringement procedure in February and an Ambassadorial Liaison group in October.

## **Trial Procedures**

The constitution provides for the right to a fair public trial, although bar associations and rights groups asserted that executive interference with the judiciary and actions taken by the government jeopardized this right.

The law provides defendants a presumption of innocence and the right to be present at their trials. In several high-profile cases, defendants appeared via video link from prison, rather than in person. Judges may restrict defense lawyers' access to their clients' court files for a specific catalogue of crimes (including crimes against state security, organized crime, and sexual assault against children) until the client is indicted.

A single judge or a panel of judges decides all cases. Courtroom proceedings were generally public except for cases involving children as defendants. The state increasingly used a clause allowing closed courtrooms for hearings and trials related to security matters, such as those related to “crimes against the state.” Court files, which contain indictments, case summaries, judgments, and other court pleadings, were closed except to the parties to a case, making it difficult for the public, including journalists and watchdog groups, to obtain information on the progress or results of a case. In some politically sensitive cases, judges restricted access to Turkish lawyers only, limiting the ability of domestic or international groups to observe some trials.

Defendants have the right to be present at trial and to consult an attorney of their choice in a timely manner, although legal advocates have asserted the government coerced defendants to choose government-appointed lawyers. Observers and human rights groups noted that in some high-profile cases, these rights were not

afforded to defendants. Individuals from the southeast were increasingly held in prisons or detention centers far from the location of the alleged crime and appeared at their hearing via video link systems. Some human rights organizations reported hearings would at times continue in the defendant's absence or while the defendants' voice was inaudible when connectivity failed.

Defendants have the right to legal representation in criminal cases and, if indigent, to have representation provided at public expense. Defendants or their attorneys may question witnesses for the prosecution, although questions must usually be presented to the judges, who are expected to ask the questions on behalf of counsel. Defendants or their attorneys may, within limits, present witnesses and evidence on their own behalf. Defendants have the right not to testify or confess guilt and the right to appeal. The law provides for court-provided language interpretation when needed. Human rights groups alleged interpretation was not always provided free of charge, leaving some poor, non-Turkish-speaking defendants disadvantaged by the need to pay for interpretation.

Observers noted prosecutors and courts often failed to establish sufficient evidence to sustain indictments and convictions in cases related to supporting terrorism, highlighting concerns regarding respect for due process and adherence to credible evidentiary thresholds. In numerous cases, authorities used secret evidence or witnesses to which defense attorneys and the accused had no access or ability to cross-examine and challenge in court, particularly in cases related to national security. The government occasionally refused to acknowledge the use of evidence from, release testimony of, or allow defendants or their attorneys to hear the testimony of, secret witnesses during court proceedings.

### **Political Prisoners and Detainees**

The number of political prisoners remained a subject of debate at year's end. On the sixth anniversary of the 2016 coup attempt in July, the Ministry of Interior announced authorities had detained 332,884 and arrested 101,000 individuals since the coup attempt on grounds of their alleged affiliation with the Gulen movement, and 19,252 detainees remain in prisons. NGOs estimated that at least 8,500 individuals were held in pretrial detention or were imprisoned following conviction for alleged links with the PKK. Observers considered a significant number of the

individuals detained on terrorism or other charges to be political prisoners, particularly when charges stemmed from affiliation with the Gulen movement or journalistic work, a position the government disputed.

According to defense lawyers and opposition groups, there was a trend of prosecutors using what appeared to be legally questionable evidence to file criminal charges against and prosecute a broad range of individuals, including media workers, human rights activists, opposition politicians (primarily of the HDP), suspected PKK sympathizers, alleged Gulen movement members or affiliates, and others critical of the government. According to the NGO Article 19, the country's antiterrorism law "allows an overly broad interpretation of the term 'terrorism', leading to the prosecution of journalists and others on the basis of their expression alone, which did not incite violence or hatred."

Human rights groups alleged many detainees had no substantial link to terrorism and were detained to silence critical voices or weaken political opposition to the ruling Justice and Development Party (AKP), particularly the HDP or its partner party, the Democratic Regions Party.

As of year's end, seven former HDP parliamentarians and six HDP co-mayors were in detention following arrest. According to the HDP, since July 2015 at least 5,000 HDP lawmakers, executives, and party members were incarcerated for a variety of charges related to terrorism and political speech. Since 2019, the Ministry of Interior suspended 48 of 65 elected HDP mayors in the southeast based on allegations of support for terrorism related to the PKK; six additional HDP mayors were not permitted to assume office following the 2019 elections on the grounds that they had been dismissed from their public jobs by governmental decrees, despite being cleared for candidacy in elections. Because the mayors were suspended but not removed, local residents did not have the opportunity to elect other representatives. The government appointed officials to govern these 48 municipalities in lieu of the removed elected mayors. Of the suspended mayors, authorities arrested 39. By August 2019, the government had suspended most of the mayors elected in the southeast in March 2019, including the HDP mayors of the major southeastern cities Diyarbakir, Mardin, and Van. The government suspended most mayors for investigations into their alleged support for PKK terrorism, largely dating to before their respective elections.

The Ankara Chief Prosecutor's Office continued prosecution of 108 individuals for their alleged instigation of violence in the 2014 Kobane protests, including former HDP cochairs Selahattin Demirtas and Figen Yuksekdag and other officials of the HDP and the HDP's sister party, the Democratic Regions Party. A total of 21 defendants were arrested and held in pretrial detention, while arrest warrants for the remaining 75 still existed. The first session of the case was held in April 2021. In November two individuals were released from detention, but the case continued at year's end. The Kobane protests erupted over perceived government inaction in response to the Islamic State of Iraq and Syria (ISIS) takeover of the majority-Kurdish town of Kobane, Syria, and resulted in at least 37 deaths, including of two police officers.

In January prosecutors submitted 40 summaries of proceedings to parliament requesting the lifting of parliamentary immunity of 28 opposition parliamentarians, 24 of whom are HDP members, including party cochair Pervin Buldan, citing terrorist propaganda, resisting police, unlawful protest, and other political activities as the justification. Prosecutors submit summaries of proceedings against legislators who face criminal charges. A majority vote in parliament is required for the lifting of immunity. At year's end, there were 1,400 summaries of proceedings held up in the Joint Committee of Constitution and Justice.

In April, the Ankara Chief Public Prosecutor's Office ordered detentions of an additional 91 suspects, including HDP members and officials, on charges of financing terrorism and alleged terrorist organization membership. The charges stem from accusations that suspects provided finances for the 2014 Kobane protests and gave financial assistance to families of dead or injured PKK members. Among notable detainees are HDP co-mayor of Akdeniz district in Mersin Province, Fazil Turk; former Akdeniz municipality employees Hasan Cat, Selami Turan and Ulfiye Ozcan; former Diyarbakir municipality employee Metin Kilav; former HDP treasurer Zeki Celik; and HDP Adana provincial officials Mustafa Bilgic, Sefik Ozbey, and Necmettin Aslan.

Former HDP cochair and presidential candidate Demirtas has been in prison since 2016 based on terrorism charges despite 2018 and 2020 ECHR rulings for his release. In March 2021, in a separate case, a court sentenced Demirtas to three-and-a-half years in prison for insulting President Erdogan during a 2015 speech.

Although the Constitutional Court ruled that Demirtas's lengthy pretrial detention violated his rights in 2020, his release was denied based on the separate Kobane investigation.

Students, artists, and association members faced criminal investigations for alleged terrorism-related activities. The government did not consider those in custody for alleged PKK or Gulen movement ties to be political prisoners and did not permit access to them by human rights or humanitarian organizations.

There were credible reports that authorities subjected persons jailed on terrorism-related charges to abuses, including long solitary confinement, unnecessary strip and cavity searches, severe limitations on outdoor exercise and out-of-cell activity, denial of access to prison library and media, slow medical attention, and in some cases the denial of medical treatment. Reports also alleged authorities subjected visitors of prisoners accused of terrorism-related crimes to abuse, including limiting access to family and degrading treatment by prison guards, including strip searches.

### **Transnational Repression**

The government engaged in a worldwide effort to apprehend suspected members of the Gulen movement. There were credible reports the government exerted bilateral pressure on other countries to take adverse action against specific individuals, at times without due process. According to a report by several UN special rapporteurs in May 2020, the government reportedly coordinated with other states to forcibly transfer more than 100 Turkish nationals to Turkey since the 2016 coup attempt. The UN rapporteur's report specified that 40 individuals were subjected to enforced disappearance. In its 2021 report on transnational repression, Freedom House documented 58 cases of individuals whom Turkey renditioned from 17 countries since 2014 but assessed that additional cases were not documented by public sources. Freedom House concluded that since 2014 Turkey carried out the highest number of renditions without due process in the world.

**Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence:** There were credible allegations that Turkish intelligence forces kidnapped alleged members of the Gulen movement in third countries and

returned them to Turkey to stand trial.

In July 2021, President Erdogan announced that Turkish intelligence forces captured and returned to Turkey from the Kyrgyz Republic Orhan Inandi, the head of the Gulen-movement-associated Sapat educational network.

In May the Serbian government took steps to extradite Kurdish politician and activist Ecevit Piroglu to Turkey, after holding him in prison since June 2021. On June 2, the UN Human Rights Committee asked Serbia to delay deportation while the committee considered the case. Serbia's Higher Court banned Piroglu from leaving his residence and transferred him to a migration reception center. According to Piroglu's lawyer, he was under constant supervision, secluded, and confined to one room. Piroglu remained in detention in Serbia at year's end.

**Threats, Harassment, Surveillance, and Coercion:** Relatives of individuals who fled the country for fear of politically motivated abuse reported that security forces used threats and intimidation to pressure them to reveal the individual's location or encourage those who had fled to return to the country.

Turkish newspaper *Daily Sabah* published the names, home addresses, routines, and pictures of at least five exiled Turkish media figures living in Sweden, describing them as traitors of the Turkish state. The named individuals claimed the published information was gathered by MIT through operations in Sweden. Swedish media had previously covered the Turkish government's reported surveillance of the Turkish and Kurdish diaspora through businesses and mosques since 2017, when the Swedish Security Police investigated Turkish operatives for illegal intelligence activity.

**Misuse of International Law Enforcement Tools:** There were credible reports that the government attempted to use INTERPOL red notices to target specific individuals located outside the country, alleging ties to terrorism connected to the 2016 coup attempt or to the PKK, based on little evidence. Freedom House reported that since the 2016 coup attempt, the country had uploaded tens of thousands of requests in INTERPOL for persons the government designated as affiliated with the Gulen movement. There were also reports that individuals faced complications related to erroneous lost or stolen passport reports the government



filed against suspected Gulen movement supporters in the years directly following the coup attempt. Targeted individuals often had no clearly identified role in the attempted coup but were associated with the Gulen movement or had spoken in favor of it. The reports to INTERPOL led to individuals' detention or prevented them from traveling.

In June 2021, an Istanbul court upheld an extradition order and approved a request to seek an INTERPOL red notice for Can Dunder, the former editor in chief of the newspaper *Cumhuriyet*, convicted and sentenced in absentia to 27 years' imprisonment for reporting on alleged illicit arms shipments by Turkish intelligence officers to Syria. Dunder lived in exile in Germany. Authorities launched another investigation against Dunder in September for "insulting the President" and "insulting the Turkish nation and the state of the Republic of Turkey" based on a Twitter post.

**Efforts to Control Mobility:** The government continued to refuse to renew the passports of some citizens with temporary residency permits in other countries on political grounds, claiming they were members of "Gülenist" organizations; these individuals were unable to travel outside their countries of residence.

**Bilateral Pressure:** There was evidence the government applied bilateral pressure on other governments to secure their assistance with renditions without full due process and couched such requests as cooperation on countering terrorism. Some observers attributed the abrupt closure of a popular Gulen-affiliated school in Albania in September with pressure from the Turkish government. As of November, President Erdogan had visited Albania three times during the year. In public statements, Erdogan demanded Albania take measures against alleged Gulenists, linking this demand to development aid.

The CPJ and Swedish Journalists Union raised strong concerns with Turkish extradition requests to the Swedish government, including that of exiled Turkish journalist Bulent Kenes, whose extradition request President Erdogan raised at a joint press conference with Sweden's prime minister on November 8.

### **Civil Judicial Procedures and Remedies**

The constitution provides for an independent and impartial judiciary in civil

matters, although this differed in practice. Citizens and legal entities such as organizations and companies have the right to file a civil case for compensation for physical or psychological harm, including for human rights violations. On constitutional and human rights matters, the law also provides for individuals to appeal their cases directly to the Constitutional Court, theoretically allowing for faster and simpler high-level review of alleged human rights violations within contested court decisions. Critics complained that, despite this mechanism, the large volume of appeals of dismissals under the state of emergency and decreased judicial capacity caused by purges in the judiciary resulted in slow proceedings.

The Constitutional Court received 109,799 applications and found rights violations in 12 percent of applications, according to official statistics. Of the applications, 30 percent remained pending at years end. Citizens who have exhausted all domestic remedies have the right to apply for redress to the ECHR, although the government rarely implemented ECHR decisions in leading cases.

On October 22, the Council of State, the country's highest administrative court, ruled for the reinstatement of 178 judges and prosecutors who were dismissed by government decrees based on alleged ties to Gulen. The court also ordered the state to pay compensation and damages to the judges and prosecutors for their involuntary absence of duty. Following the decision, 122 members of the judiciary were immediately reinstated, while the official reinstatement of 56 others depends on whether the Board of Judges and Prosecutors pursues an appeal. Those who were reinstated were found guilty of ties to Gulen based on their use of the ByLock encrypted messaging application, witness statements, telephone calls with other Gulen supporters, attending events organized by Gulen's supporters, or making donations to Gulen-linked foundations. The Council of State ruled these acts were insufficient to prove their links to Gulen and his followers. This decision followed an ECHR ruling that the government had violated the European Convention on Human Rights by detaining 167 judges and prosecutors after the 2016 attempted coup.

The Inquiry Commission on the State of Emergency Measures has adjudicated appeals of wrongfully dismissed civil servants since 2017. The commission reported that as of the end of May, it had received 127.8 million applications, adjudicated 124,235 cases, approved 17,265, and rejected 106,970. Critics

complained the appeals process was opaque, slow, and did not respect citizens' rights to due process, including by prohibiting defendants from seeing the evidence against them or presenting exculpatory evidence in their defense.

### **Property Seizure and Restitution**

In multiple parts of the southeast, many citizens continued efforts to appeal the government's 2016 seizures of properties to reconstruct areas damaged in government-PKK fighting (see section 1.g.).

According to the Savings Deposit Insurance Fund of Turkey, as of January the government had seized 797 businesses worth an estimated 70.2 billion lira (\$7.5 billion) since the 2016 coup attempt. A 2020 NGO report estimated that 302 billion lira (\$32.2 billion) in businesses and business assets, including from media outlets, schools, universities, hospitals, banks, private companies, and other holdings, were confiscated since the 2016 coup attempt in breach of domestic regulations.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

While the constitution provides for the "secrecy of private life" and states that individuals have the right to demand protection and correction of their personal information and data, the law provides the MIT with the authority to collect information while limiting the ability of the public or journalists to expose abuses. Oversight of the MIT falls within the purview of the presidency and checks on MIT authorities are limited. The MIT may collect data from any entity without a warrant or other judicial process for approval. At the same time, the law establishes criminal penalties for conviction of interfering with MIT activities, including data collection or obtaining or publishing information concerning the agency. The law allows the president to grant the MIT and its employees immunity from prosecution.

Police possess broad powers for personal search and seizure. Senior police officials may authorize search warrants, with judicial permission required to follow within 24 hours. Individuals subjected to such searches have the right to file

complaints; however, judicial permission occurring after a search had already taken place failed to serve as a check against abuse.

Security forces may conduct wiretaps for up to 48 hours without a judge's approval. As a check against potential abuse of this power, the State Inspection Board may conduct annual inspections and present its reports for review to parliament's Security and Intelligence Commission. Information on how often this authority was used was not available. Human rights groups noted that wiretapping without a court order circumvented judicial control and potentially limited citizens' right to privacy. Some citizens asserted authorities tapped their telephones and accessed their email or social media accounts. There was evidence the government monitored private online communications using nontransparent legal authority.

Following the outbreak of COVID-19, the Ministry of Interior's General Security Directorate started monitoring social media users' posts that "disrupt public order" by "spreading panic." The ministry gained the authority to search social media accounts as part of a "virtual patrol" for terrorist propaganda, insults, and other crimes in 2018. Despite a 2020 Constitutional Court ruling that such surveillance was unconstitutional and that police must seek a court order to gather information on the identity of internet users or request user identity information from internet providers, the Ministry of Interior continued to monitor social media accounts and courts continued to accept evidence collected through the program. The HRA reported 90 individuals, including one child, were taken into custody on the grounds of their social media posts, six were imprisoned, and seven were released under judicial control in the first nine months of the year. Reporting from social media firms indicated government requests for user data in the country continued to increase during the year.

The law allows courts to order domestic internet service providers (ISPs) to block access to links, including to websites, articles, or social media posts. Authorities routinely blocked access to news sites. According to a report published by the NGO The Freedom of Expression Association in October, authorities blocked 574,798 websites, 28,474 online news articles, and 5,436 news sites in 2021.

For several hours following the November 13 terror attack in Istanbul, government-controlled internet companies restricted access to popular social media

platforms, including Twitter and YouTube, in a process known as bandwidth throttling.

Using antiterror legislation, the government targeted family members to exert pressure on wanted suspects. These measures included cancelling the passports of family members of civil servants suspended or dismissed from state institutions, as well as of those who had fled authorities. In some cases, the Ministry of Interior cancelled or refused to issue passports for the minor children of individuals outside the country who were wanted for or accused of ties to the Gulen movement. In July 2021, the Constitutional Court ruled that the provisions of the Passport Law allowing the Ministry of Interior to cancel or restrict passports violated freedom of movement rights protected by the constitution and found that passport cancellations on terrorism grounds must be subject to judicial review. The ruling went into effect in July.

Government seizure and closure during the previous six years of hundreds of businesses accused of links to the Gulen movement created ambiguous situations for the privacy of client information.

### **g. Conflict-related Abuses**

Occasional clashes between Turkish security forces and the PKK and its affiliates in the country continued throughout the year and resulted in the injury or deaths of security forces, PKK terrorists, and civilians. Turkish airstrikes reportedly aimed at fighting the PKK in Syria and Iraq have also resulted in civilian casualties. The government continued security operations against the PKK and its affiliates in various areas of the east and southeast. Authorities issued curfews of varying duration in certain urban and rural areas and decreed “special security zones” in some areas to facilitate counter-PKK operations, which restricted access of visitors and, in some cases, residents. Portions of Hakkari Province and rural portions of Tunceli Province remained “special security zones” most of the year. PKK attacks claimed the lives of civilians, as did kidnappings. Residents of these areas reported they occasionally had very little time to leave their homes prior to the launch of counter-PKK security operations.

According to NGO reports, Turkish-supported Syrian armed opposition groups

(TSOs) in northern Syria committed human rights abuses, reportedly targeting Kurdish and Yezidi residents and other civilians, including extrajudicial killings, the arbitrary detention and enforced disappearance of civilians, torture, sexual violence, forced evacuations from homes, looting and seizure of private property, transfer of detained civilians across the border into Turkey, recruitment and use of child soldiers, and the looting and desecration of religious sites.

NGOs assessed some TSO abuses relating to confiscation of private property were part of a systematic effort to enforce demographic change targeting Kurdish Syrians. The UN Commission of Inquiry for Syria reported on the frequent presence of Turkish officials in Syrian National Army (SNA) detention facilities, including in interrogation sessions where torture was used. The SNA is a coalition of TSOs. The Commission of Inquiry (COI) reported in September that one former detainee in Syria described being “subjected to rape and other forms of sexual violence in 2018 during interrogations by individuals wearing Turkish uniforms and speaking in Turkish.” The justice system and detention network used by SNA forces reportedly featured “judges” appointed by Turkey and paid in Turkish lira, suggesting the SNA detention operations acted under the effective command of Turkish forces. The Commission of Inquiry for Syria asserted in 2021 that these and other factors reflected effective Turkish control over certain areas of Syria. The NGO Syrians for Truth and Justice reported in June that the Sultan Murad group in Afrin detained a woman and transferred her first to the Turkish governor’s building then to a Turkish military intelligence facility in Kilis city inside Turkey. She identified a Turkish speaker supervising and instructing two Arabic speaking investigators who tortured and abused her and two other women detainees. The government denied responsibility for conduct by opposition groups it supported but broadly acknowledged the need for investigations and accountability related to such reports and asserted that the Turkish-supported SNA had mechanisms in place for investigation and discipline. (For more information, see the Department of State’s Country Reports on Human Rights for Syria).

**Killings:** According to the International Crisis Group, from mid-2015 to November, a total of 609 civilians and 226 individuals of unknown affiliation died in PKK-related fighting in the country and surrounding region. The HRA reported that in the first 11 months of the year, a total of 274 individuals were killed,

including 85 security officers, one civilian, and 188 militants, due to Turkish military operations within the borders of Syria and northern Iraq.

The HRA reported that as of December, three civilians were killed during clashes between security forces and the PKK within the country's borders.

On July 20, Turkish artillery reportedly shelled a resort in the Zakho District of Dohuk Province killing nine civilians and injuring 22 others. The Turkish government denied responsibility for the strike.

In August press outlets reported Turkish drone strikes killed eight children and injured 24 in Northern Syria.

On November 20, as part of Operation "Claw Sword," the government launched airstrikes into both Iraq and Syria that resulted in civilian casualties. According to the Syrian Observatory for Human Rights, a United Kingdom-based NGO, Turkish fighter jets executed more than 50 airstrikes, targeting vehicles, posts, and different positions in Aleppo, Hasakeh, and Raqqa in five days. On November 29, that NGO reported the death of 10 civilians in areas under the Self Administration for North and East Syria influence.

PKK tactics included targeted killings and assault with conventional weapons, vehicle-borne bombs, and improvised explosive devices (IEDs). At times, IEDs or unexploded ordnance, usually attributed to the PKK, killed or maimed civilians and security forces. TSO clashes with groups the Turkish government considered to be affiliated with the PKK resulted in civilian deaths in Syria. (For more information, see the Department of State's *Country Reports on Human Rights* for Syria).

**Abductions:** The PKK abducted or attempted to abduct civilians (see Child Soldiers, below).

Human Rights Watch and the Commission of Inquiry for Syria reported that TSOs detained and unlawfully transferred Syrian nationals to Turkey. (For more information, see the Department of State's *Country Reports on Human Rights* for Syria).

**Physical Abuse, Punishment, and Torture:** The UN Commission of Inquiry for Syria reported on the frequent presence of Turkish officials in TSO detention facilities, including in interrogation sessions where torture was used.

Human rights groups alleged that police, other government security forces, and the PKK abused some civilian residents of the southeast. There was little accountability for mistreatment by government authorities.

**Child Soldiers:** The government and some members of Kurdish communities alleged the PKK recruited and forcibly abducted children for conscription. A group of mothers passed their 1,000th day of a continued sit-in protest they began in Diyarbakir in 2019 alleging the PKK had forcibly recruited or kidnapped their children and demanding their return, despite facing numerous threats from the PKK. According to the government, 438 children escaped and left the PKK between January 2014 and June 2020; 37 children were reunited with their families because of the protests.

Human rights groups and international bodies reported the government provided operational, equipment, and financial support to an armed opposition group in Syria that recruited or used child soldiers (see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>).

**Other Conflict-related Abuse:** Extensive damage stemming from government-PKK fighting led authorities in 2016 to seize certain properties in specific districts of the southeast. Authorities stated the purpose of the seizures was to facilitate post-conflict reconstruction.

Some affected residents filed court challenges seeking permission to remain on seized land and receive compensation; many of these cases remained pending at year's end. In certain cases, courts awarded compensation to aggrieved residents, although the latter complained awards were insufficient. As of June, 5.7 billion lira (\$264.5 million) was paid out to applicants. In Diyarbakir's Sur District, the government had not completed repairs on many of the seized properties. The government allocated 30 million lira (\$3.8 million) to repair four churches, including such historic sites as the Surp Giragos Armenian Church and the Mar



Petyun Chaldean Church, both of which reopened in May for Easter services.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provide for freedom of expression, within certain limits, and freedom of the press. The government restricted freedom of expression, including for members of the press and other media, throughout the year. Multiple articles in the penal code directly restrict freedom of the press and other media platforms and free speech through broad provisions that prohibit praising a crime or criminals or inciting the population to enmity, hatred, or denigration, as well as provisions that purport to protect public order and criminalize insulting the state, the president, or government officials. The law also limits free expression online through a law criminalizing “disseminating false information” without establishing clear guidelines.

The government’s prosecution of journalists representing major opposition and independent newspapers and its jailing of journalists hindered freedom of expression. Media professionals reported that self-censorship was widespread amid fear that criticizing the government could prompt reprisals, both economically and through legal action.

**Freedom of Expression:** Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, and the government restricted expression by individuals sympathetic to some religious, political, or cultural viewpoints. Those who wrote or spoke on sensitive topics or in ways critical of the government risked investigation, fines, criminal charges, job loss, and imprisonment. The government convicted and sentenced hundreds of individuals for exercising their freedom of expression. The government frequently responded to expression critical of it by filing criminal charges alleging affiliation with terrorist groups, terrorism, or otherwise endangering the state (see National Security, below). The increased application of insult laws was used to limit freedom of expression. Reports demonstrate that since 2014, more than 160,000 persons were investigated for “insulting the President,” and more than 35,000 went

to trial. More than 38,000 persons, including more than 1,000 children, appeared before a judge. Of these trials, 12,881 individuals were convicted and 3,625, including 10 children, were sentenced to prison. According to the HRA, in the first 11 months of the year, at least 31 persons stood trial for allegedly insulting the president. Eleven persons, including two children and one journalist, were taken into custody on the same charges. Six were imprisoned. The ECHR stated that the country's law affords the head of state a privileged status regarding the expression of information and opinion regarding them. The court asserted that the law should be amended to ensure individuals had the freedom to hold opinions and impart ideas without interference by authorities.

The law provides for punishment of up to three years in prison for conviction of "hate speech" or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Human rights groups noted the law was used more to restrict freedom of expression than to protect members of minority groups.

On December 14, an Istanbul court found Istanbul Mayor Ekrem Imamoglu of the Republican People's Party (CHP) guilty under criminal insult laws for comments on government officials and sentenced him to two years, seven months, and 15 days in jail, while also imposing a ban on Imamoglu's political activity. The charges stem from Imamoglu's comments to reporters seeking his take on the interior minister labeling Imamoglu a fool. Referring instead to the recent decision to rerun the Istanbul mayoral race, Imamoglu responded "those who cancelled March 31 elections in Istanbul are fools." Imamoglu appealed the decision, and neither the prison sentence nor the political ban would take effect until the appeals process is complete, although the appeal timeline remained uncertain at year's end. The court's decision was widely criticized by civil society and the political opposition as politically motivated.

In May the Court of Cassation upheld a four year and 11-month prison sentence for CHP Istanbul provincial chair Canan Kaftancioglu in a case related to tweets critical of government policy, including comments related to the 2013 Gezi Park protests and the 2016 coup attempt, which she made between 2012 and 2017. She remained free under judicial control, including a ban on running for public office. In June she was acquitted of charges of insulting the president and minister of

interior in a tweet regarding a CHP political leaflet. Kaftancioglu remained under investigation for insulting the president in remarks made to a CHP political gathering in August. In January 2021, prosecutors charged her with “instigating the violation of privacy,” claiming she ordered photographs of alleged illegal construction at the home of the presidency’s communications director Fahrettin Altun, followed by charges of “offending and insulting” Altun 10 months later in relation to the same incident. In May 2021, President Erdogan filed an insult lawsuit against Kaftancioglu, seeking 500,000 lira (\$58,900) in damages for remarks she made in support of Bogazici University protesters. All three 2021 cases continued at year’s end.

A parliamentary bylaw prohibits use of the word “Kurdistan” or other sensitive terms on the floor of parliament, stating that parliamentarians could be reprimanded or temporarily expelled from the assembly. Authorities did not uniformly implement this bylaw.

In September the Diyarbakır Chief Public Prosecutor’s Office launched an investigation into a councilor from the CHP over charges of “conducting terror propaganda.” The investigation concerns councilor Nevaf Bilek’s remarks made to Kurdish news agency *Rudaw* at the CHP’s Extraordinary Provincial Congress held in Diyarbakır’s central Yenisehir district. In the interview, held in Kurdish, Bilek said, “Diyarbakır is really an important and historical city in Turkish Kurdistan. It is a big city.”

Rights groups and free speech advocates reported intensifying government pressure that in certain cases resulted in their exercising enhanced caution in their public reporting.

**Violence and Harassment:** Government and political leaders and their supporters used a variety of means to intimidate and pressure journalists, including lawsuits, threats, and, in some cases, physical attack. There has been a rise in violence against journalists perpetrated by individuals allegedly affiliated with far-right groups with ties to political parties. Journalists allege that such groups were involved in the systematic intimidation of critical, left-leaning voices.

The Committee to Protect Journalists reported that attacks on journalists were

rarely prosecuted. Victims publicly expressed a belief that law enforcement agencies were not interested in prosecuting the crimes. In April, a group of approximately 50 persons raided the office and studio of the privately owned television broadcaster *Deniz Postasi* in Kayseri, attacking the host, Deniz Postasi, journalist Azim Deniz, and guest Sedat Kilinc, a local politician and businessman.

On February 23, journalist Memduh Bayraktaroglu of the opposition *Korkusuz* newspaper reported that a group of five to six apparent Gray Wolves, a far-right, ultranationalist group affiliated with the MHP, attacked his home in Mugla Province. Bayraktaroglu said that on the night of February 23, a group of men wearing masks and wielding sticks rang his doorbell, pretending to be delivering flowers. When Bayraktaroglu refused to let them in, they began to kick his door and attempted to enter forcibly. The group ran away after Bayraktaroglu called the police. Bayraktaroglu believed that a joke he posted on Twitter concerning MHP leader Develet Bahceli spurred the attack. A leader of the Gray Wolves responded to Bayraktaroglu's tweet, stating, "You Dog! We will put you to the test in every lesson, explain it in a language you understand, and walk you through streets with a leash around your neck – have no doubt about it."

In a separate incident on February 24, a group of 10 persons attacked journalist Arif Kocabiyik in Antalya. Kocabiyik runs a popular channel on YouTube where he interviews ordinary persons on the street regarding current events. He stated on Twitter that members of the mob claimed they were affiliated with the Gray Wolves. Kocabiyik stated the beating left him with marks on his arm, lip and back, and that his camera operator also had marks from the assault.

On February 19, an assailant murdered Gungor Arslan, the owner and editor-in-chief of local news site *Ses* in northwestern Kocaeli's Izmit district. The police arrested the attacker, who allegedly claimed he killed Arslan because he "did not like [Arslan's] columns." Arslan's daughter and lawyer Nazlican Arslan said Arslan received numerous threats due to his reporting and was assaulted four years prior in April 2017. In an article published the day before his murder, Arslan criticized the AKP-controlled Kocaeli Municipality for a tender awarded to local developer Haldiz Construction and called for holding Kocaeli Mayor Tahir Buyukakin accountable. Reporters Without Borders Turkey representative Erol Onderoglu issued a statement calling for a full investigation. Recalling the 2021

murder of radio presenter Hazim Ozsu in Bursa, Onderoglu lamented that Arslan's killing "shows that Turkey is no longer a safe country for journalists amid the hostile climate that has been in place for years."

The government routinely filed terrorism-related charges against individuals or publications in response to reporting on sensitive topics, particularly government efforts against PKK terrorism and the Gulen movement (also see National Security). Human rights groups and journalists asserted the government did this to target and intimidate journalists and the public for speech critical of the state.

Journalists affiliated or formerly affiliated with pro-Kurdish outlets faced significant government pressure, including incarceration. The government routinely denied press accreditation to Turkish citizens working for international outlets for any association (including volunteer work) with private Kurdish-language outlets.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** Government and political leaders maintained direct and indirect censorship of media and books. Mainstream print media and television stations were largely controlled by progovernment holding companies heavily influenced by the ruling party. Reporters without Borders estimated the government was able to exert power in the administration of 90 percent of the most-watched television stations and most-read national daily newspapers through the companies' affiliation with the government. Only a small fraction of the holding companies' profits came from media revenue, and their other commercial interests impeded media independence, encouraged a climate of self-censorship, and limited the scope of public debate.

Government prosecution of journalists limited media freedom throughout the year. In December the NGO Media Law Studies Association analyzed 446 hearings of 210 freedom of expression trials in 23 different cities involving 318 journalists. In 41 trials, 67 individuals were sentenced to a total of 299 years, not including the life sentences of Osman Kavala and journalist Rojhat Dogru. Of the monitored cases, prison sentences ranged from 10 months to 18 years. In 38 percent (114) of cases prosecutors charged journalists with terrorism-related charges. The report also found an increase in lawsuits opened against journalists who had participated

in peaceful demonstrations and protests as well as an increase in the prison sentences imposed in freedom of expression trials. The report also recorded a record increase in the number of acquittals handed down during the year; 226 persons were acquitted in 51 monitored cases.

On March 3, the Public Prosecutor's Office appealed the retrial of journalist Melis Alphan to the Court of Cassation. Alphan was acquitted in May 2021 of terrorist propaganda charges for sharing a picture on her social media account from the 2015 Newroz celebrations in majority-Kurdish Diyarbakir, which showed a PKK flag in the background.

In June, police in Diyarbakir detained 21 journalists and charged 16 with spreading terrorist propaganda and creating propaganda for a terrorist organization over the preparation of television shows broadcast from Belgium and the United Kingdom. Police reportedly stated they were investigating the "press committee" of the PKK. The detainees were kept in police custody for eight days without being formally indicted. Among the detained were Derdar Altan, cohead of the Dicle First Journalist Association, *Jin News* head Safiye Alagas, and *Mesopotamia* news agency editor Aziz Oruc.

Journalist Sedef Kabas was arrested in January on charges of "insulting the President" over a proverb she quoted during a television program. After 49 days under arrest, Kabas was acquitted of "insulting a public official" but sentenced to two years and four months in prison for "insulting the President." She was released pending an appeal of the verdict.

In September two former reporters from *Mesopotamia* news agency, Sadiye Eser and Sadik Topaloglu, were sentenced to six years and three months in prison for "being a member of an illegal organization." The sentence was given based on the statements of an anonymous witness who did not attend the hearings and a Kurdish song found on Eser's mobile phone.

In several cases the government barred journalists from traveling outside the country, including by using electronic monitoring.

Authorities subjected some writers and publishers to prosecution on grounds of defamation, denigration, obscenity, separatism, terrorism, subversion,

fundamentalism, or insulting religious values. Authorities investigated or continued court cases against a myriad of publications and publishers on these grounds during the year. Authorities also exercised censorship over online media (see Internet Freedom).

While the law does not prohibit particular books or publications, court decisions resulted in bans for distribution or sale of certain books and periodicals. The Press Advertisement Board, which has the authority to impose advertising bans, amended the Press Ethics guidelines in July. Amendments included new provisions likely referencing the lesbian, gay, bisexual, transexual, queer, and intersex (LGBTQI+) community, forbidding publications that “disrupt the family structure, which is the basis of society” and “weakened the common national and moral values of Turkish society.” Another amendment expanded the press ethics obligations to websites and social media accounts of newspapers. Bookstores did not carry books by some opposition political figures.

Publishers often exercised self-censorship, avoiding works with controversial content (including government criticism, erotic content, or pro-Kurdish content) that might draw legal action. The Turkish Publishers Association reported that publishers faced publication bans and heavy fines if they failed to comply in cases in which a court ordered the correction of offensive content. Authorities also subjected publishers to book promotion restrictions. In some cases, prosecutors considered the possession of some Kurdish-language, pro-Kurdish, or Gulen movement books to be credible evidence of membership in a terror organization.

In 2020 a court ruled to ban the book *The Political Branch of FETO in 21 Questions* published by the CHP, which accused President Erdogan and other officials of cooperating with the Gulen movement. Prosecutors sought the ban based on insult charges and the charge of “provocation of the public to hatred and enmity.” The court decision barred future printing, distribution, and sale of the book and ordered confiscation of all copies already in print. In April 2021, the press reported that the now-banned book was cited as evidence in a prosecutorial request to parliament to lift the parliamentary immunity of CHP leader Kemal Kilicdaroglu and seven other CHP members. In September, a judge also banned a poetry book written by Figen Yuksekdag, a former HDP cochair who has been in prison since 2016. The decision called for the book to be removed from stores and

destroyed.

Some journalists reported their employers asked them to censor their reporting if it appeared critical of the government or jeopardized other business interests and fired them if they failed to comply. These pressures contributed to an atmosphere of self-censorship in which media reporting became increasingly standardized along progovernment lines.

Radio and television broadcast outlets did not provide equal access to the country's major political parties. Critics charged that media generally favored the ruling AKP. The president of the country's broadcasting authority, the Radio and Television Supreme Council (RTUK), told interviewers in April 2021, "The political opposition wants to oppose [the government] in an uncontrolled manner. There are limits that cannot be surpassed."

RTUK continued the practice of fining broadcasters whose content it considered "contrary to the national and moral values of society." Service providers that broadcast online are required to obtain a license or may face having their content removed, based on a 2019 regulation mandating broadcast licenses for radio, television broadcasting, and on demand audiovisual media services. In June, the Ankara Criminal Court of Peace, upon request by RTUK, blocked access to the Turkish language websites of *Voice of America* and *Deutsche Welle* for failing to apply for licenses.

RTUK is empowered to reject license requests on the grounds of national security and to subject content to prior censorship. The HRA reported that during the first 11 months of the year, six channels received 30-day administrative fines, two were suspended from broadcasting 18 times, and one channel was suspended from broadcasting for three days.

In April, RTUK fined three television stations (*Halk TV*, *KRT*, and *Tele 1*, all of which are regarded as pro-opposition) due to the way they covered a case of sexual abuse of seven children in Erzurum Province in a religious school run by the Directorate of Religious Affairs. An inspector on duty at the Hacı Bahattin Evgi boys' boarding Quran course in central Palandöken district in Erzurum allegedly sexually abused seven children aged 10 to 11. An RTUK member affiliated with



the CHP, İlhan Taşçı, stated in his tweet this fine was imposed as a result of a complaint lodged by the Presidency of Religious Affairs.

On September 14, RTUK fined opposition television channel *Halk TV* and suspended one of its programs for five episodes because of its broadcast concerning a family who received the remains of their deceased son in a bag. He was killed in clashes during a military curfew in Diyarbakir in 2015.

On August 17, RTUK imposed administrative sanctions on Netflix for violating the national and moral values of the society, general morality, and the protection of the family in the animated film *Jurassic World Camp Cretaceous*. The Ministry of Family previously lodged a complaint against the film, indicating the film portrayed an inappropriate relationship between two girls. Additionally, in May, RTUK required the music platform Spotify to remove playlists and podcast content that “insulted, humiliated and slandered national moral values, made pro-Gülen movement propaganda, insulted the President of the Republic of Turkey, political party leaders and state officials.”

According to Committee to Protect Journalists reporting, during the state of emergency from 2016 to 2018, the government cancelled nearly 2,000 press cards and another 1,400 in 2020. In April 2021, the Council of State, the country’s top administrative court, ruled against the 2018 press card regulation that expanded government authority to cancel press accreditation cards. The court ruled that the regulation specified grounds for press card cancellation, such as “conduct against the public order or national security” and “behaviors that damage the professional dignity of journalism,” that were arbitrary and ambiguous. The court mandated revision of the regulations. Since the ruling, the press cards of 9,115 journalists were renewed, 1,371 have not been renewed, 1,238 press cards were revoked, and the evaluation process of approximately 200 journalists was still underway.

Authorities also targeted foreign journalists. On August 25, authorities detained Greek journalist Evangelos Areteos as he tried to enter the country. He was held for seven hours, was barred from entering the country “for reasons of public order,” but was not given a specific reason for the denial and returned to Brussels. Areteos stated he believed his denial was in relation to his work. Areteos is a reporter for the Greek newspaper *Real*, is the author of two books on Turkish

politics, and was accredited as a foreign correspondent in Turkey. During his detention, he was reportedly questioned regarding his travels throughout Turkey and a visit to Syria in 2015. His recent work included reporting from southeast Turkey where he interviewed local individuals regarding life, culture, and politics including the status of Kurds in the country, and he reported daily on social and political developments in the Kurdish region of Syria. Turkish Cypriot journalists claimed they were sometimes barred from entering the country based on critical reporting of the Turkish government.

**Libel/Slander Laws:** Observers reported government officials used defamation laws to stop political opponents, journalists, and ordinary citizens from voicing criticism. The law provides that persons who insult the president of the republic may face a prison term of up to four years. The sentence may be increased by one-sixth if committed publicly and by one-third if committed by media outlets.

During the year the government opened investigations into thousands of individuals, including politicians, journalists, and minors, based on allegations of insulting the president; the founder of the Turkish Republic, Mustafa Kemal Atatürk; or state institutions. According to Ministry of Justice statistics, police investigated 48,069 individuals for insulting the president or the state in 2021; 13,934 stood trial and 4,582 were penalized. In July 2021, a court sentenced journalist Cem Simsek to 11 months and 20 days in prison for insulting the president in connection with a 2015 article analyzing cartoon drawings showing President Erdogan. Simsek's appeal was denied in March.

Authorities charged citizens, including children, with insulting the country's leaders and denigrating "Turkishness." Free speech advocates pointed out that, while leaders and deputies from opposition political parties regularly faced multiple insult charges, the government did not apply the law equally and AKP members and government officials were rarely prosecuted.

In May 2021, Istanbul prosecutors indicted journalist Deniz Yucel, formerly of the German newspaper *Die Welt*, on charges of "publicly degrading the Turkish nation and the state" in connection with two articles from 2016. In 2020 an Istanbul court convicted Yucel of "incitement to hatred" and spreading "terrorist propaganda" and sentenced him in absentia to two years and nine months in prison. An appeal

continued at year's end. The ECHR ruled in Yucel's favor on January 25, finding that his pretrial imprisonment in an earlier case violated his human rights.

Lawyer Efkan Bolaç faced charges for “insulting the President” over two cartoons that he shared on Instagram in 2014. The first hearing was held on September 6 and was scheduled to resume in January 2023. The related cartoons were those of Carlos Latuff, a cartoonist from Brazil. One of the cartoons was concerning Berkin Elvan, who died at the age of 15 after being hit in the head by a tear gas capsule thrown by a police officer during Gezi Park protests in 2013; the other was concerning the 301 miners who died in the Soma Mine Disaster in 2014, the worst mining disaster in the country's history. The cartoon concerning Berkin Elvan was published by several media outlets, including progovernment daily *Hürriyet*.

In April 2021, President Erdogan signed a presidential order banning students convicted of insulting the president from staying in public university dormitories.

The government pursued an insult case against the Ankara Bar Association chair and executive board members for criticizing an anti-LGBTQI+ statement made by the head of the Religious Affairs Directorate, Ali Erbas, in 2020. The Ankara Bar Association leaders faced a potential sentence of up to two years in prison for “insulting a public official due to his or her duty for expressing beliefs, thoughts and opinions.” Police separately launched investigations into the Izmir and Diyarbakir bar associations in relation to the same incident. The trial continued at year's end.

The government increasingly enforced blasphemy laws that prohibit insulting religious values. In August progovernment media outlets and social media accounts began circulating a video of pop singer Gulsen's April concert during which she joked about a band member's attendance at a religious school. She was soon arrested and charged with “provoking the people into hatred and hostility.” She was released from house arrest in September, and her international travel ban was lifted in October. If found guilty she could face up to three years in prison. Trial monitors reported the court allowed 700 individuals to appear at trial to lodge individual personal complaints against the artist. Her case remained pending at year's end.

In July, Banu Ozdemir, a CHP official from Izmir, was acquitted for the second time of “inciting public hatred and enmity” after she shared a video of an Izmir mosque’s hacked sound system playing the song “Bella Ciao.” Ozdemir was first charged, and acquitted, in 2020. An Izmir regional court overturned her acquittal in March on the grounds of “incomplete investigation and examination.” Ozdemir reportedly was not directly notified of the March decision and learned of it from progovernment media coverage. Ozdemir was again acquitted of the charges in July. She characterized the “judicial harassment” as an attempt to intimidate her and pressure the CHP ahead of elections.

**National Security:** Authorities regularly used the counterterrorism law and the penal code to limit free expression on grounds of national security. Organizations, including the Committee to Protect Journalists and Freedom House, reported that authorities used the counterterrorism law and criminal code to prosecute journalists, writers, editors, publishers, filmmakers, translators, rights activists, lawyers, elected officials, and students accused of supporting a terrorist organization, generally either the PKK or the Gulen movement.

Estimates of the number of imprisoned journalists varied, but according to the Media and Law Studies Association there were 59 as of December 1. The Committee to Protect Journalists reported 40 reporters and journalists were in government custody as of December 1. The majority faced charges related to antigovernment reporting or alleged ties to the PKK or Gulen movement.

The Media and Law Studies Association in Istanbul attributed the disparity in estimates of the number of incarcerated journalists to the varying definitions of “journalist” or “media worker.” While the government officially recognizes as journalists only persons to whom it has issued a press accreditation card (typically limited to reporters, cameramen, and editors working for print or broadcast outlets), media watchdog groups also included distributors, copy editors, layout designers, and other staff of media outlets, including digital outlets, in their definition. The Committee to Protect Journalists reported allegations from journalists that the process for receiving credentials was discriminatory and partisan, and NGOs estimated that only roughly one-quarter of the press corps were credentialed.

On October 26, authorities detained President of the Turkish Medical Association Dr. Sebnem Korur Fincanci on charges of “disseminating terrorist propaganda” for suggesting authorities should investigate the possible use of chemical weapons against Kurdish militants in Iraq. Procedural anomalies, skewed media coverage, rejections of all defense motions, and speedy trial progress were all indicative of political pressure on police, press, prosecutors, and judges. Despite broad public interest, December hearings lasted three to five hours and were held in small standing-room-only courtrooms, with only lawyers, press, politicians, and diplomats permitted inside. The courthouse itself was fortified with police in riot gear and “TOMA” trucks, armed vehicles with water cannons designed for riot control, a posture some observers reported was intended to intimidate. During the December 23 hearing, Fincanci was closely surrounded by nine jandarma, until her defense complained they could not see or communicate with their client. The team of 10 defense lawyers was informed shortly before the hearing that only three of them would be permitted to represent her at a time, creating a last-minute scramble. The trial remained pending at year’s end.

A study by the NGO Media and Law Studies Organization of 210 freedom of expression trials monitored from January to July found that in 38 percent of cases defendants faced charges related to terrorism. In February 2021, an Istanbul court convicted former HRA cochair Eren Keskin, two other former editors, and the former publisher of pro-Kurdish daily *Ozgur Gundem* on terrorism charges and sentenced them to jail terms ranging from 25 months to more than six years. In the same month, hearings resumed in cases against four other journalists, including Erol Onderoglu, the Turkey representative of Reporters Without Borders, for “promoting terrorist propaganda” in a separate case related to *Ozgur Gundem*. In 2016, the defendants participated in a solidarity campaign with *Ozgur Gundem*, serving as the newspaper’s editors for one day each. Prosecutors subsequently filed charges against Onderoglu and other participants. Although an Istanbul court acquitted the four defendants in 2019, prosecutors subsequently appealed. Prosecutors sought up to 14 years in prison for the defendants in the resumed cases. The case was pending at year’s end.

An unknown number of journalists were outside the country and did not return due to fear of arrest in connection with the 2016 coup attempt or other charges.

Independent reports estimated the government has closed more than 200 media companies since 2016.

Nearly all private Kurdish-language newspapers, television channels, and radio stations remained closed on national security grounds under government decrees.

**Nongovernmental Impact:** The PKK used intimidation to limit freedom of expression and other constitutional rights in the southeast. Some journalists, political party representatives, and residents of the southeast reported pressure, intimidation, and threats if they spoke out against the PKK or praised government security forces.

### **Internet Freedom**

The government continued to restrict access to the internet and expanded its blocking of selected online content. The government at times blocked access to cloud-based services and permanently blocked access to many virtual private networks. There was evidence the government monitored private online communications using nontransparent legal authority. A Freedom House report, *Freedom on the Net 2021: The Global Drive to Control Big Tech*, noted that the government removed online content deemed critical of the ruling party or President Erdogan from websites and social media platforms, and online activists, journalists, and social media users were harassed both physically and online for their social media posts.

The law allows the government to block a website or remove content if there is sufficient suspicion that the site is committing any number of crimes, including insulting the founder of the Turkish Republic, Mustafa Kemal Ataturk, or insulting the president. The government may also block sites to protect national security and public order. At times authorities blocked some news and information sites that had content criticizing government policies. The law also allows persons who believe a website violated their personal rights to ask the regulatory body to order ISPs to remove offensive content. Government leaders, including the president, reportedly employed staff to monitor the internet and initiate charges against individuals perceived as insulting them.

The government-operated Information and Communication Technologies

Authority (BTK) is empowered, as are government ministers, to demand that ISPs remove content or block websites with four hours' notice. The regulatory body must refer the matter to a judge within 24 hours, who must rule on the matter within 48 hours. If it is not technically possible to remove individual content within the specified time, the entire website may be blocked. ISP administrators may face a penalty of six months to two years in prison or fines ranging from 50,000 to 500,000 lira (\$5,100 to \$51,600) for conviction of failing to comply with a judicial order. The president appoints the BTK president, vice president, and members of the agency.

In October the government passed a “disinformation” bill that criminalizes “disseminating false information” with a penalty of up to three years in prison. It also grants BTK expanded powers to compel social media company compliance with government takedown orders and user data requests. If companies do not comply with government requests, penalties include bandwidth reduction of up to 90 percent and the law requires companies to appoint a local representative whom the government may personally hold criminally, financially, or administratively liable for noncompliance. The Council of Europe’s Venice Commission noted concerns the law does not have a sufficiently clear definition for “false or misleading information.” Human Rights Watch representatives stated the law “effectively blackmails tech companies into abusing human rights to avoid becoming inaccessible platforms.” It further stated that the law, when it was still in draft form “constituted an interference with the freedom of expression.” Social media companies have voiced concerns that the law may violate their own international commitments to respect human rights.

This law builds on a 2020 law that introduced new requirements for social media companies with more than one million users to establish legal in-country representation, to respond quickly to content removal requests, and to store data in country. At the time of passage, human rights activists voiced strong concern over the law’s implication in broadening censorship. Several companies, including Facebook, Twitter, and Instagram, faced fines in 2020 and early 2021 for failing to comply with the in-country representation requirement. By the end of 2021, all major social media companies had established offices or representation in the country. Major platforms including Facebook and Twitter announced they would

continue to apply internal standards to content removal request reviews. Internet freedom activists reported a high number of content removals by major platforms on politicized topics at the behest of the government.

On December 14, journalist Sinan Aygul was placed in pretrial detention on charges of “spreading false information” based on the controversial new “disinformation” law. Earlier that day, Aygul, who serves as the chair of the local area’s journalists association, tweeted that a girl, age 14, had been sexually abused by police officers and soldiers in Bitlis Province. After speaking with the local governor, Aygul retracted the story and deleted the tweet, saying it was possible the information he received was incorrect or incomplete and he had not confirmed the story before publication. Nevertheless, a local court ordered his pretrial detention, assessing his statement had the potential to “disturb the national peace” given the size of his online following (approximately 18,000). Aygul’s arrest is the first case of pretrial detention applied under the new disinformation law. Aygul’s lawyer criticized the detention as unlawful, adding that the new law’s “interpretation in this way by the judiciary leaves us concerned that similar investigations and arrests will ramp up in the future.” Aygul also faced charges in 2019 for reporting on a separate sexual assault on the charge of “violating the confidentiality of an investigation” in addition to numerous previous convictions over his reporting including insult and terrorist propaganda. According to an interview with Aygul published by *Justice for Journalists*, Aygul contacted police before publishing the 2010 assault story and was given no indication the case was under investigation. Aygul voiced concerns he was targeted for his 2019 reporting due to a potential link between the perpetrator and security forces.

The government has authority to restrict internet freedom with limited parliamentary and judicial oversight. The law provides that government authorities may access internet user records to “protect national security, public order, health, and decency” or to prevent a crime. Human Rights Watch, Article 19, and other human rights watchdogs have raised concerns with the country’s expansive laws mandating government access to user data, noting the potential for abuse. The law also establishes an ISP union of all internet providers that is responsible for implementing website takedown orders. The judicial system is responsible for informing content providers of ordered blocks.



The government required ISPs, including internet cafes, to use BTK-approved filtering tools that blocked specific content. Additional internet restrictions were in place in government and university buildings. According to the internet freedom NGO EngelliWeb, the government blocked 107,706 domain names during 2021. Of the new domain names that the government blocked, 91 percent were blocked through a BTK decision that did not require judicial approval.

According to Twitter's internal transparency report, during the last six months of 2021, the company received 4,284 court orders and other legal requests from Turkish authorities to remove content. Twitter had a 36.6 percent compliance rate with court orders and 60.9 percent compliance rate with other legal demands.

### **Restrictions on Academic Freedom and Cultural Events**

During the year the government continued to limit academic freedom, restrict freedom of speech in academic institutions, and censor cultural events.

The president appointed rectors to state and foundation-run universities, leading critics to assert that the appointments compromised the academic and political independence of the institutions. Some academics faced charges due to public statements critical of government policy. The majority of the 822 "Academics for Peace" dismissed and tried for signing a 2016 petition condemning state violence in the southeast had not been reinstated to their positions despite a 2019 Constitutional Court ruling that their prosecution was a violation of freedom of expression. President Erdogan's January 2021 appointment of Melih Bulu as the rector of Bogazici University resulted in protests in Istanbul and other cities. Bulu, an academic and former AKP parliamentary candidate, was the first rector appointed from outside the university community since the 1980 military coup, and his appointment quickly drew opposition from faculty, students, and alumni. In July 2021, Erdogan removed Bulu from office and replaced him with Mehmet Naci Inci, Bulu's former deputy, two months later. Faculty and student demonstrations continued in September and October 2021, with police detaining several protesters. Prosecutors initiated legal proceedings, which remained pending at year's end, against dozens of protesters for participating in the various Bogazici University protests. In the interim, students facing charges have lost university housing and access to scholarships.

Some academics and event organizers stated their employers monitored their work and that they faced censure from their employers if they spoke or wrote on topics not acceptable to academic management or the government. Many reported practicing self-censorship. Human rights organizations and student groups criticized court- and Higher Education Board-imposed constraints that limited university autonomy in staffing, teaching, and research policies.

The state-run Student Loans and Dormitories Institution, under the Youth and Sports Ministry, canceled an education loan granted to a university student after she attended a feminist march organized in the Mediterranean province of Antalya on International Women's Day, March 8.

The government employed antiterror and other measures to restrict artistic and cultural activities, including music lyrics and theatrical performances. The government maintained a ban on more than 200 Turkish and Kurdish songs on the grounds their content encouraged persons to smoke or drink or conveyed "terrorist propaganda." In March 2021, the Contemporary Cinema Actors Association released a survey of performing artists in which 61 percent of respondents said they had been subject to censorship in their work and 63 percent said they exercised self-censorship. The Adana Governorship did not allow Kurdish play *Tartuffe* to take stage at Adana Metropolitan Municipality Theatre on June 5. In its rejection statement the Adana Governorship cited an administrative law on the grounds the play could "disrupt peace and security within the borders of the province."

In July media reported that the elite Middle East Technical University cancelled its graduation ceremony citing the possibility that "various groups (might turn the ceremony) into an area of protests for their causes." The rectorate of the university argued it had become impossible to hold the ceremony due to security concerns. Middle East Technical University's decision came days after Istanbul's Bogazici University similarly cancelled its own mass graduation ceremony. The Bogazici rectorate instructed each faculty to hold its own ceremony, apparently in an attempt to prevent students gathering in large numbers, although the rectorate cited financial reasons for the change. Students nevertheless staged an unofficial graduation, where they protested the rectorate.

Centrally appointed governors and trustee mayors routinely canceled Kurdish-language cultural performances in the southeast, with last-minute bans in Adana, Mersin, Bitlis, Mus, Sirnak and other provinces justified by the alleged need to prevent the outbreak of “civil unrest” and stop the spread of “terrorist propaganda.” Approximately 20 events were canceled during the year.

## **b. Freedoms of Peaceful Assembly and Association**

The government restricted the freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

Although the constitution provides for freedom of assembly, the law provides several grounds for the government to limit that right. The law stipulates penalties for protesters convicted of carrying items that might be construed as weapons, prohibits the use of symbols linked to illegal organizations (including chanting slogans), and criminalizes covering one’s face while protesting. The law permits police to use tinted water in water cannons, potentially to tag protesters for later identification and prosecution. The law also allows police to take persons into “protective custody” without a prosecutor’s authorization if there is reasonable suspicion that they are a threat to themselves or to public order. The antiterror law gives provincial governors enhanced authority to ban protests and public gatherings, a ban some governors enacted broadly during the year. According to the HRFT Documentation Center, 3,540 persons, including at least 28 children, were subjected to torture and other ill-treatment, and 45 were injured as a result of the intervention of law enforcement officers in peaceful actions and activities within the scope of freedom of assembly and demonstration.

In May the Council of State announced a final decision to annul an April 2021 Ministry of Interior circular banning all audio and visual recordings of citizens and police at protests, after the policy was challenged by the Journalists’ Union of Turkey. Media workers reported that authorities still took steps to prevent the recording of demonstrations.

The government regarded many demonstrations as security threats to the state, deploying large numbers of riot police to control crowds, frequently using excessive force, resulting in injuries, detentions, and arrests. At times the

government used its authority to detain persons before protests were held on the premise that they might cause civil disruption. The government generally did not investigate security forces' actions. The HRFT reported that in the first 11 months of the year, police intervened in at least 303 peaceful demonstrations and prohibited at least 91. Human rights NGOs asserted the government's failure to delineate clearly in the law the circumstances that justify the use of force contributed to disproportionate use of force during protests.

On March 8, hundreds of women and LGBTQI+ activists participated in the 20th annual Women's March in Istanbul's Taksim district, defying the Istanbul governor's March 3 ban on demonstrations. Per media reports, marchers clashed with police, who used pepper spray and tear gas to disperse protesters and detained at least 38 persons. As in previous years, police used riot shields against protesters and fired tear gas at those assembled to disperse the demonstration. Police prevented demonstrators from gathering on Istiklal Street, the traditional site of women's rights protests, and Taksim Square. Public transportation to the Istiklal and Taksim neighborhoods was canceled.

The governments in Hakkari, Mardin, Sanliurfa, and Diyarbakir continued to selectively ban demonstrations deemed critical of the government or politically sensitive, including rallies, sit-ins, marches, protests, and other types of gatherings.

In August members of the Private Sector Teachers Association, which has nearly 4,000 members in 60 provinces, held a demonstration in Ankara to protest low wages and long hours and demand better working conditions. Police prevented the protesters from completing their walk to the Ministry of Education and detained seven demonstrators who were subsequently released, including two lawyers. Interior Minister Suleyman Soylu claimed the teachers were affiliated with terrorism and justified one teacher's detention by sharing an older photograph on social media of her holding the flag of the HDP.

Istanbul police continued to prevent the vigil of the "Saturday Mothers" from taking place on Istiklal Street in Istanbul, detaining 16 group members during the commemoration of the vigil's 900th week in June, including several relatives of victims of forced disappearances. They were released within 24 hours. Since the 1990s, the Saturday Mothers have gathered to commemorate the disappearances of

relatives following their detention by security forces in the 1980s and 1990s and to call for accountability. Of the group, 46 members continued to face criminal charges for violating the law by holding their 700th weekly vigil in 2018. Human rights defenders asserted police blocked demonstrators from dispersing before striking them with riot shields and arresting them for failure to disperse. The demonstrators were loaded into police buses and taken to several police stations before they were unloaded and officially processed. Lawyers report that moving the demonstrators to multiple police stations obstructed the lawyers' ability to represent their clients. The case remained pending at the end of the year.

Ahead of March 20-21 Newroz celebrations in the southeast, authorities detained 24 women's rights activists in Diyarbakir. Among those detained were former elected mayors dismissed by the government and replaced with trustees. Some were affiliated with the HDP and others allegedly with the PKK-affiliated Free Women's Movement; other detainees were involved in trade union organizing or human rights organizations. Most had been involved in organizing March 8 International Women Worker's Day rallies in the region. Of those, police subsequently formally arrested 11; the rationale was sealed under a confidentiality order, according to press reports. In a statement the Observatory for the Protection of Human Rights, HRA, and HRFT reported police questioned the detainees regarding assemblies, protests, gatherings, and press statements that took place in Diyarbakir, including on World Peace Day, International Day for the Elimination of Violence Against Women, International Women's Day, and Turkey's withdrawal from the Istanbul Convention.

Throughout the year the governors of Van, Tunceli, Mus, Hakkari, and several other provinces banned public protests, demonstrations, gatherings of any kind, and the distribution of brochures. Bans on assembly and expression first introduced in 2016 with the initiation of the state of emergency were still effective in Hakkari, Van, Artvin and Eskisehir provinces, despite the state of emergency having ended in 2018. For instance, the bans restricted public meetings, demonstrations, setting up stands and issuing press statements. In an additional 14 provinces, the holding of public meetings was subject to the permission of the governor. In Tunceli, there was a complete ban on public events including distribution of leaflets and holding press conferences required permission. In

Bitlis, a broad curfew applied in one district.

The government continued selectively to ban demonstrations outright if they were critical of the government or deemed politically sensitive. The Hakkari governor's office released a statement extending a six-year ban of rallies, meetings, demonstrations, marches, sit-ins, protests, and other types of gatherings in public areas, squares, streets, roads, and parks every 15 days. On June 3 this statement extended the types of banned gatherings to include commemorations, concerts, festivals, theater, cinema, pantomime, putting up posters, handing out brochures, and all similar activities. In August, the Mardin Governorship followed suit by issuing a ban on public meetings that it has extended every 15 days since. Similar bans were also executed in Sanliurfa and Diyarbakir for security-related concerns.

Authorities restricted the rights of assembly of LGBTQI+ individuals and allies throughout the year (see section 6).

### **Freedom of Association**

While the law provides for freedom of association, the government continued to restrict this right. The government used provisions of the antiterror law to prevent associations and foundations it had previously closed due to alleged threats to national security from reopening. In its 2021 end-of-year report, the Inquiry Commission on the State of Emergency Measures reported that 208 of the 1,727 associations and foundations closed following the 2016 coup attempt had been allowed to reopen. Observers widely reported the appeals process for institutions seeking redress through the Inquiry Commission on the State of Emergency Measures remained opaque and ineffective (see section 1.e., Denial of Fair Public Trial).

By law persons organizing an association do not need to notify authorities beforehand, but an association must provide notification before interacting with international organizations or receiving financial support from abroad and must provide detailed documents on such activities. Representatives of associations stated this requirement placed an undue burden on their operations. Human rights and civil society organizations, groups promoting LGBTQI+ rights, and women's groups in particular stated the government used regular and detailed audits to

create administrative burdens and to intimidate them by threatening large fines.

Human rights groups reported that supposed counterterrorist financing legislation “Preventing Financing of Proliferation of Weapons of Mass Destruction,” passed in December 2020 was used to justify increased and more onerous government audits of organizations and associations focusing on human rights or topics otherwise sensitive to the ruling party. The law expanded the Ministry of Interior’s powers to audit, suspend staff and governing board members, and temporarily shut down operations of NGOs without judicial review. Although authorities did not close any civil society organization using this law during the year, NGOs reported that the law had a substantial chilling effect. Civil society organizations warned the law provided authorities with expanded powers to punitively target organizations engaged in politically sensitive work, and some organizations reported restricting their normal activities to reduce the likelihood of attracting adverse government attention.

The Council of Europe’s Venice Commission criticized the law, noting its stipulations regarding aid collection and mandatory yearly audits could be applied punitively and arbitrarily to restrict NGO activity in violation of freedom of association, and that the provisions of the law apply indiscriminately to the entire civil society sector rather than to specific NGOs identified as being vulnerable to financing by terrorist entities. Minister of Interior Suleyman Soylu stated 5,214 associations were audited by March 31 and 25,000 audits were anticipated by the end of the year.

Two rights-based organizations, Tarlabasi Community Center and We Will Stop Femicides Platform, face closure cases following administrative audits that the HRA characterizes as demonstrative of how the “legal framework is easily abused by the administration and judiciary.” Tarlabasi Community Center’s audit was preceded by strong criticism of the organization by progovernment media in response to an event on protection of LGBTQI+ youth. The event yielded fines for irregularities in bookkeeping and failure to timely report foreign funding. The We Will Stop Femicides Platform was a vocal critic of the decision to withdraw from the Istanbul Convention. The closure case states that the platform’s activities exceed the purpose stated in its charter by “acting in violation of the law and morality.”

According to the HRA's June report, *Drowned in Procedure, Sentenced to Fail: Administrative Harassment of Civil Society in Turkey*, "independent NGOs are targeted through stigmatizing and criminalizing statements by both state officials and progovernment media, which creates a climate of complacency that encourages administrative bodies to abuse their authority over NGOs." The HRA also note the policy environment is "difficult to navigate" and "imposes an excessive and unjustified burden on NGOs to predict the laws' implementation, due to the extreme vagueness of the relevant legal provisions." The report further states that "women's rights or LGBTQI+ rights NGOs critical of the government are increasingly being targeted by state officials and progovernment media for 'receiving foreign funding.'" The HRA further reported that such smear campaigns often include a focus on financial resources and burdensome tax audits that "severely restrict the daily operations" and created a chilling effect.

In November a court overturned convictions of Amnesty International honorary chair Taner Kilic and three other human rights defenders. The defendants had been charged with "membership in a terrorist organization" or "aiding a terrorist organization without being a member," largely stemming from attendance at a 2017 workshop, "Protecting Human Rights Advocates – Digital Security," held on Istanbul's Buyukada Island. Kilic's case was overturned based on an "incomplete investigation" and was scheduled to be returned to a first instance court; he remained free pending the decision of the court. In May, the ECHR determined Kilic's detention violated his rights to freedom and security and called for authorities to overturn his conviction.

Bar association and other civil society organization representatives reported that police sometimes attended organizational meetings and recorded them, which the representatives interpreted as an effort to intimidate them.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.



#### **d. Freedom of Movement and the Right to Leave the Country**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government limited these rights. The government continued to restrict foreign travel for some citizens accused of terrorism, or links to the Gulen movement or the failed 2016 coup attempt. Media workers, human rights defenders and others facing politically motivated charges are often placed under “judicial control” pending the outcome of their trial, which frequently includes a ban on international travel that prevents them from leaving the country. Curfews imposed by local authorities in response to counter-PKK operations and the country’s military operation in northern Syria also restricted freedom of movement.

**In-country Movement:** The constitution provides that only a judge may limit citizens’ freedom to travel and only in connection with a criminal investigation or prosecution. Antiterror laws allow severe restrictions to be imposed on freedom of movement, such as granting governors the power to limit individuals’ movement, including entering or leaving provinces, for up to 15 days.

Freedom of movement remained a problem in parts of the east and southeast, where countering PKK activity led authorities to block roads and set up checkpoints, temporarily restricting movement at times. The government instituted special security zones, restricting the access of civilians, and established curfews in parts of several provinces in response to PKK terrorist attacks or activity (see section 1.g.).

Conditional refugees and Syrians under temporary protection also experienced some restrictions on their freedom of movement requiring travel permits to travel to cities other than those in the province in which they are registered (see section 2.f.).

**Foreign Travel:** The government placed restrictions on foreign travel for tens of thousands of citizens accused of terrorism due to links to the Gulen movement or the failed coup attempt, as well as on their extended family members. Authorities also restricted some foreign citizens with dual Turkish citizenship from leaving the country, with the government maintaining the travel restrictions were due to

terrorism concerns or necessary to preserve security. Some persons whom the government barred from travel chose to leave the country illegally.

In April the Constitutional Court found that the state violated the rights of Dilek Dündar, wife of exiled journalist Can Dündar, by canceling her passport in 2016, as she was on her way to visit her husband in Germany.

Syrians under temporary protection risked the loss of temporary protection status and a possible bar on re-entry into the country if they chose to travel to a third country or return temporarily to Syria without government permission. The government sometimes denied exit permission to Syrians under temporary protection for reasons that were unclear.

The government in previous years issued individual exit permissions for Syrians under temporary protection departing the country for the Eid holiday visit program to Syria, family reunification, health treatment, or permanent resettlement and could be readmitted to Turkey without a loss in status. In April, however, Minister of Interior Soylu confirmed that Eid visits back to Syria were no longer allowed. In 2021, approximately 109,000 Syrians took advantage of this program, and more than 96 percent of them returned to Turkey. Minister Soylu stated publicly this was a joint decision made with the border governorates and that those who returned to Syria could stay in the “safe zones” but not return to Turkey.

### **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to international protection applicants and status holders and temporary protection beneficiaries, stateless persons, and returning refugees.

The government continued to host approximately four million refugees and asylum seekers in the country, 3.5 million of whom were Syrians, despite a number of economic, political, and social challenges. The government announced a variety of new measures to strengthen migration controls. Starting in late 2021 and through mid-2022, the government implemented an address verification process to ensure international protection applicants and status holders and temporary protection beneficiaries were living in their registered provinces. Those not found at their

registered locations and who did not subsequently update their addresses with migration authorities had their registration documents inactivated, which resulted in suspension of health and social services in some instances. In February the minister of interior announced the government would limit the number of foreigners living in a given neighborhood to 25 percent to avoid “ghettoization.” The government changed the quota to 20 percent in June, and as of July, almost 1,200 neighborhoods in more than 60 provinces (out of 81) were closed for new refugee registration specifically. In June the government reportedly issued official (but not public) guidance requiring all new Syrian temporary protection applicants to stay and register at Turkey’s seven existing temporary accommodation centers in the southeast, with some exceptions for newborns, spouses, persons with special needs, and medical cases.

As of December 25, the Presidency for Migration Management (PMM, formerly DGMM) reported that the government apprehended 285,027 individuals during the year, including 115,775 Afghans, for staying in Turkey without proper documentation; prevented the entry of 274,311 individuals mostly on the country’s eastern border with Iran, where many asylum seekers from Afghanistan attempt to enter Turkey after a 1,300-mile, month-long journey by foot; and deported 119,816 “irregular migrants” to their countries of origin, including 66,534 Afghans.

Refugee-rights NGOs and UN agencies reported that Afghans, particularly single Afghan males, were in many cases unable to register for protected status since August 2021, even with legal assistance. UNHCR continued to engage with Turkish authorities to support the implementation of the legal framework that provides for access to international protection, in line with relevant national and international commitments.

**Access to Asylum:** The law provides for standard treatment of asylum seekers countrywide and establishes a system of protection, but it limits rights granted in the 1951 Refugee Convention to refugees from Europe and establishes restrictions on movement for conditional refugees. While non-European asylum seekers were not considered refugees by law, the government granted temporary protection status to nearly four million Syrians and provided international protection to asylum seekers of other nationalities. Individuals recognized by the government for temporary protection (Syrians) or international protection (all other non-

Europeans, for example, Afghans, Iraqis, Iranians, and Somalis) were permitted to reside in the country temporarily until they could obtain third-country resettlement.

The law provides regulatory guidelines for foreigners' entry into, stay in, and exit from the country, and for protection of asylum seekers. The law does not impose a strict time limit to apply for asylum, requiring only that asylum seekers do so "within a reasonable time" after arrival. The law also does not require asylum seekers to present a valid identity document to apply for status.

UNHCR reported it had regular access to removal centers where foreigners, including persons under temporary and international protection, were detained, although there were increasing reports from refugee-rights NGOs and bar associations that authorities prevented them from accessing clients and asylum seekers at risk of deportation. UNHCR continued to work with the government to ensure access to asylum procedures for persons in need of protection, including through access to information, interpretation, and legal aid.

Since Russia's full-scale invasion of Ukraine, NGOs reported the arrival of more than 351,000 Ukrainian nationals as of the end of October, most on visa waivers for 90 days, and more than 47,000 with residence permits. PMM reported there were 7,131 Ukrainian international protection applicants by the end of the year. According to the Ukrainian Embassy in Ankara, a "significant number" of Ukrainians left subsequently to return to Ukraine or move to a third country. Authorities facilitated access to registration and documentation for Ukrainians seeking access to services or protection.

The country's borders with Syria and Iraq remained strictly managed, with admissions only for medical, humanitarian, and family reunification cases from the border with Syria since late 2015. Of the 20 border crossing points between Syria and Turkey, as of December, only one remained open for limited humanitarian, commercial, and individual crossings, and eight additional gates required permission from authorities for all movements. One crossing permitted UN humanitarian cargo to transit the border. Since 2017, some provinces along the border with Syria limited registration of asylum seekers to certain exceptional cases only, limiting their ability to obtain access to social services, including education and medical care in these areas, unless they relocate to a city where they

can register. Large cities such as Istanbul and Ankara also limited registration. Many asylum seekers reported that to find work or be with their families, they either did not register or moved from the city where they had registered, neither of which was allowed under the country's regulations but was often necessary to survive without depending on humanitarian or government assistance.

**Refoulement:** Authorities generally offered protection against refoulement to all non-European asylum seekers who met the definition of a refugee in the 1951 UN Refugee Convention, although there were some confirmed cases of refoulement. The government increased efforts to deport those it claimed entered the country illegally, particularly non-Syrians, as well as those it deemed to pose security threats before they were granted status determination interviews by migration authorities.

Some NGOs shared stories of clients taken into custody when applying for asylum and then deported without being given access to a lawyer. There were also reports that some Afghans and Syrians were coerced into providing a fingerprint signature on “voluntary” repatriation forms in removal centers through physical force or terrible conditions that induced them to “sign.” HRW reported in October that “police and gendarmes have been detaining significant numbers of undocumented Afghans, and often coercing or deceiving them to sign so-called voluntary repatriation forms, then deporting them to Afghanistan.” HRW also found that “many Afghans facing imminent deportation are given no opportunity to make refugee claims or otherwise challenge their deportation, and their signatures or fingerprints on voluntary return forms are often forced, obtained through deception, or forged.” As of December 25, PMM reported it had deported 66,534 Afghans, although UNHCR still had an advisory against forcible returns to Afghanistan in place. The government resumed flights to Afghanistan for “voluntary” returns in January. In an August 31 report, Amnesty International documented 178 instances of forced return, 124 involving men and women and 54 involving children.

As of the end of December, 3,274 persons of various nationalities contacted UNHCR for information, counseling, and further referrals/support related to their or their relatives' administrative detention. They included Syrian nationals (1,479 persons), Afghans (1,021 persons), Iranians (405 persons), Iraqis (97 persons), and

272 persons of other nationalities.

In incidents of administrative detention of which UNHCR was made aware, the reasons for detention primarily related to violations of provisions of the Law on Foreigners and International Protection (including but not limited to irregular presence in the country, irregular entry to or departure from the country, or due to alleged involvements in criminal acts). In cases of alleged forced return or risk of forced return, UNHCR shared its concern with the relevant authorities.

UNHCR typically intervened in incidents of detention when there were concerns detained individuals were unaware of or unable to access the appropriate administrative processes to raise potential protection concerns. In January media reported that the government involuntarily returned 150 Syrians to Syria. In widely shared videos, young Syrians living in Istanbul alleged they were rounded up by police, brought to removal centers, and forced to sign papers to agree to return to Syria even though some had legal residency papers in Turkey, families in Turkey, or were enrolled in local universities. Reports of PMM denying refugee status and issuing deportation orders to individuals who have fled countries where they face persecution for their religious beliefs have increased. Many such cases involve Iranians, including Baha'is, Christian converts, and atheists. While UNHCR did not find evidence of systematic discrimination against non-Muslims or religious minorities in these denials, there were reported instances of individual migration officials and judges making comments that indicate general ignorance of religious minorities and sometimes individual bias.

**Abuse of Migrants and Refugees:** After the fall of Kabul to the Taliban contributed to fears of a possible refugee influx, authorities engaged in pushbacks, including multiple reports by international media of alleged violence and forced returns to Iran of Afghans and other asylum seekers attempting to enter the country. On July 3, media reported that police in the city of Van on the Turkey-Iran border fired at a vehicle believed to be carrying migrants; one Afghan child was killed, and four other individuals were reportedly in critical condition. On August 31, Amnesty International released a report alleging Turkish security forces repeatedly pushed back Afghans attempting to enter the country via the Iran border, including by opening fire on men, women, and children. Amnesty's report ascribes Turkish security force shooting as responsible for killing three teenage

boys and wounding six men and three boys. Amnesty's report also includes "instances of torture or other ill-treatment by Turkish security forces." One account alleges a security agent "beat my friend with the butt of his gun, and then the policeman sat on my friend, as if he was sitting on a chair. He sat there and lit a cigarette. Then he hit me on my legs with his gun as well... When I was sitting, down, the Turkish policeman kicked me on the knee. He gave me two big kicks."

HRW released a report on November 18 documenting similar reports of Turkish authorities' treatment of Afghans along the border with Iran. According to HRW, Afghans were blocked from registering for international protection, those facing deportation were not given an opportunity to make refugee claims, and authorities pushed back tens of thousands at the border. HRW reports Afghan asylum seekers were beaten with batons and "the kind of iron stick that is used for construction."

Migrants and asylum seekers continued to report severe mistreatment when attempting to cross the border with Greece. Amnesty International alleged the country violated the rights of migrants and asylum seekers on the border by encouraging some persons to attempt to cross the border again and by failing to rescue those stranded in the river in a timely manner. There were some reports by NGOs and UN agencies that Turkish authorities bused apprehended migrants to the Turkey-Greece border. In February, Turkey and Greece traded accusations after 19 migrants were found frozen to death in Turkey near the border with Greece. International media and UN agencies also documented similar mistreatment of migrants and asylum seekers in the Aegean Sea between Greece and Turkey. Greek officials also claimed Turkish forces escorted boats containing migrants and asylum seekers into Greek territorial waters.

In September the International Organization for Migration reported 44 migrants died or went missing in Turkish waters and 72 died or went missing in Greek waters while trying to cross the sea into Europe from Turkey. There were 54 deaths recorded along the Turkey-Greece land border, according to the agency, of which 15 were drownings in the Meric River. Another 24 were found dead, likely due to exposure, in forests along the border, three died from traffic accidents, and eight others were beaten or shot dead.

A total of nine civil disturbance incidents involving refugees were reported by

media during the year, a slight increase in comparison to 2021 when six were reported. In the aftermath of the Altindag incident in Ankara in August 2021, in which the death of a Turkish national prompted hundreds of persons to gather in the neighborhood and attack Syrians' homes and businesses, Turkish media coverage of refugees was increasingly negative in tone, portraying refugees as prone to criminality, disturbers of peace, or beneficiaries of government assistance. One NGO focused on media and migration issues reported that the increase in negative rhetoric concerning refugees in the media impacted refugees' daily lives directly and indirectly, with some stating they felt increasingly unsafe, tended to keep quiet and out of the public eye, and preferred not to report problems to authorities or the police for fear of potential deportation. In May, an assailant kicked a Syrian refugee woman, age 70, in the face in Gaziantep. In June, Turkish youths stabbed a Syrian refugee to death during a brawl in Istanbul. In July, media outlets reported a group of Turkish youths severely beat a Syrian refugee, age 17, in the heavily refugee-populated Fatih district of Istanbul. Workplace exploitation, child labor, and forced early marriage also remained significant problems among refugees and worsened as a result of COVID-19 and the declining economic conditions in the country. Human rights groups alleged conditions in detention and removal centers sometimes limited migrants' rights to communication with and access to family members, interpreters, and lawyers.

UN agencies reported there were LGBTQI+ asylum seekers and conditional refugees in the country – most from Iran, Afghanistan, and Iraq – and LGBTQI+ individuals from Syria under temporary protection status. According to human rights groups, these refugees faced discrimination and hostility from both authorities and the local population due to their status as members of the LGBTQI+ community. Many experienced gender-based violence. Commercial sexual exploitation also remained a significant problem in the LGBTQI+ refugee community, particularly for but not limited to transgender persons.

**Freedom of Movement:** Authorities assigned non-Syrians to one of 62 “satellite cities,” where they were expected to receive services from local authorities under the responsibility of provincial governorates. These international protection applicants and status holders were required in some provinces to check in with local authorities on either a weekly or biweekly basis and needed permission from



local authorities to travel to cities other than their assigned city, including for meetings with UNHCR or resettlement country representatives. Syrians under temporary protection and international protection applicants and status holders continued to be restricted from traveling outside provinces listed on their registration cards without permission. Refugees reported increasing difficulties in obtaining these permissions, even for doctor's appointments. Certain provinces did not accept travel permission requests or transfer of registration.

The PMM operated seven refugee camps, which the government called temporary accommodation centers, in five provinces. As of early August, there were nearly 50,000 Syrians in the accommodation centers. In June, the government implemented a policy requiring new Syrian temporary protection applicants to register and stay at these camps, which resulted in an increase in the camp populations. There were exceptions for some groups including newborns, children, dependent adult children, spouses of already registered temporary protection beneficiaries, and persons with specific needs. Syrians living in camps required permission from camp authorities to leave the camps.

**Employment:** The law allows both international protection applicants and status holders (mostly non-Syrians) and temporary protection beneficiaries (mostly Syrians) the right to work, provided they were registered for six months in the province where they wished to work. Most did not have access to regular or skilled work. According to a study by the International Labor Organization (ILO), as a result of the COVID-19 pandemic, Syrian refugees lost 24.3 percent of their working hours. In addition, applying for a work permit was the responsibility of the employer, and the procedure was sufficiently burdensome and, for some, expensive that relatively few employers pursued legally hiring anyone who required a special permit. The government also did not conduct sufficient labor inspections to identify informal work. Some refugees opted not to work formally with work permits because they would lose cash assistance support from social programs and were unaware of the advantages of formal employment. More than 90 percent of both international protection applicants and status holders and temporary protection beneficiaries remained without legal employment options, leaving them vulnerable to exploitation, including wages under minimum wage, withholding of wages, and exposure to unsafe work conditions. The last official

data released by the government in 2020 indicates only 62,369 work permits were issued to Syrians, including refugees under temporary protection and those with residency permits.

**Access to Basic Services:** International protection applicants and status holders lose access to subsidized health care after one year of registration in the country. Individuals meeting certain conditions, such as documented chronic conditions or those older than a specific age, could apply for an exemption to be placed back under subsidized care coverage. Refugee rights NGOs reported getting those exemptions was increasingly difficult, leaving many international protection applicants without health-care support. Temporary protection beneficiaries (more than 3.5 million) continued to receive free access to the public-health system, although some services such as medicines and advanced medical procedures were not always covered. School-age Syrian children had access to education, although many encountered challenges overcoming the language barrier, meeting transportation or other costs, and facing bullying in school both from school officials and other students. NGOs reported the government no longer accepted students residing outside their registered provinces to enroll in schools, resulting in more children out of school. There were also NGO reports of a 30 percent quota to limit refugee children's registration in refugee-dense districts, which also resulted in children out of school. In some instances, some NGOs succeeded in getting court orders to enroll the students, but the process was legally burdensome and required many appeals.

As of June, the Ministry of National Education reported that 855,136 of the school-age refugee children in the country were in school, a significant increase from prior years. More than 400,000 remained out of school. According to UNICEF since 2017, a total of 803,697 refugee children (cumulatively) received monthly cash assistance for education through the Conditional Cash Transfer for Education Program for Syrians and other refugees, implemented through a partnership among the Ministry of Family and Social Services, the Ministry of National Education, the Turkish Red Crescent, and UNICEF, and funded by international donors.

Provincial governments, working with local NGOs, were responsible for meeting the basic needs of international protection applicants and status holders and temporary protection beneficiaries present in their districts. Basic services were

dependent on local officials' interpretation of the law and their resources. Governors had significant discretion in working with asylum seekers and NGOs, and the assistance provided by local officials to vulnerable persons varied widely. NGO staff members reported individual cases of refugees being refused health-care services.

Children of unregistered migrants, including asylum seekers, were unable to attend Turkish schools, leaving many in vulnerable situations. Some NGOs also reported some local authorities started to enforce residency requirements for registered refugees, refusing to enroll children in school if outside their place of residency in the country and thereby contributing to school dropouts.

**Durable Solutions:** The law does not provide for naturalization or resettlement within the country for international protection applicants and status holders or temporary protection beneficiaries, but it allows them to stay until resettled to a foreign country or able to return to their country of origin. Temporary protection beneficiaries or international protection status holders could only access naturalization through marriage to a Turkish citizen or through an exceptional circumstances allowance. According to a December 19 Ministry of Interior statement, 223,881 Syrian nationals had been granted Turkish citizenship, including to 126,786 older than 18. The statement did not specify the timeline nor the process for having obtained the Turkish citizenship.

As of November 30, UNHCR, in cooperation with the PMM, observed the spontaneous voluntary return interviews of 31,915 Syrian individuals in 15 locations. Since 2016, UNHCR observed voluntary return interviews for close to 156,000 individuals. UNHCR could not confirm the authorities' estimate for voluntary returns to Syria of approximately 540,000. Amnesty International reported in September 2021 that former refugees who returned voluntarily to Syria were subjected to detention, disappearance, and torture, including sexual violence.

UNHCR continued to work closely with Turkish authorities as well as resettlement countries to identify, assess, and process refugees for resettlement considerations. A total of 10,075 refugees were resettled to 12 countries as of the end of the year.

## **f. Status and Treatment of Internally Displaced Persons**

In May President Erdogan unveiled plans to incentivize one million Syrian temporary protection applicants living in Turkey with livelihood opportunities and free housing to return voluntarily to “safe” Turkish-controlled areas in northwest Syria, referring to areas Turkey had taken nominal control over during military incursions in prior years. Erdogan highlighted those 57,000 houses had already been built for approximately 50,000 families, with 100,000 houses in total planned. The minister of interior announced that approximately 540,000 individuals had voluntarily returned to Syria as of year’s end. As of November 30, UNHCR, in cooperation with the PMM, observed the spontaneous voluntary return interviews of 31,914 Syrian individuals in 15 locations. The total number of voluntary return interviews observed by UNHCR since 2016 was close to 156,000 individuals. In June, a UNHCR official stated that approximately 800 Syrian refugees returned to Syria each week but conditions are not suitable for a large number of voluntary returns. Turkish officials publicly committed to safe and voluntary refugee returns and emphasized that no returns would take place outside of UN parameters.

The law allows persons who suffered material losses due to terrorist acts, including those by the PKK or by security forces in response to terrorist acts, to apply to the government’s damage determination commissions for compensation.

## **g. Stateless Persons**

The government did not keep figures for stateless persons. The government provided documentation for children born to international protection applicants and status holders and temporary protection beneficiaries, although statelessness remained an increasing concern for these children, some of whom could receive neither Turkish citizenship nor documentation from their parents’ home country. Children born to refugee parents lacking a legal marriage or legal registration documents faced difficulty proving citizenship, increasing their risk of statelessness. As of March, there were 502,606 Syrian children younger than age four in the country, according to the PMM.

## **Section 3. Freedom to Participate in the Political Process**

Although the constitution and law provide citizens the ability to change their government through free and fair elections based on universal and equal suffrage conducted by secret ballot, the government restricted equal competition and placed restrictions on the fundamental freedoms of assembly and expression (see section 2.b., Freedom of Assembly). The government restricted the activities of opposition political parties, leaders, and officials, including through police detention. Several parliamentarians remained at risk of prosecution after parliament lifted their immunity.

### **Elections and Political Participation**

**Recent Elections:** In 2018, the country held early parliamentary and presidential elections that originally had been scheduled for late 2019. The elections completed a constitutional amendment process that began with the 2017 national referendum, the passing of which initiated the country's official transition from a parliamentary system to a presidential one. The campaign and election both occurred under a state of emergency that had been in place since 2016 and that granted the government expanded powers to restrict basic rights and freedoms, including those of assembly and speech. While most candidates generally were able to campaign ahead of the elections, the HDP's presidential candidate remained in prison during the campaign and the candidate for the IYI (Good) Party faced a de facto media embargo. Despite the ability to campaign, the observation mission of the Organization for Security and Cooperation in Europe (OSCE) noted the elections were held in an environment heavily tilted in favor of the president and the ruling party, stating, "The incumbent president and his party enjoyed a notable advantage in the campaign, which was also reflected in excessive coverage by public and government-affiliated private media."

Media coverage of the 2018 parliamentary and presidential candidates similarly overwhelmingly favored the president and ruling party. For example, according to a member of the Radio and Television Supreme Council, between May 14 and May 30 of 2018, Turkish Radio and Television broadcast 67 hours of coverage on President Erdogan, seven hours on CHP candidate Muharrem Ince, 12 minutes on IYI candidate Meral Aksener, eight minutes on Felicity Party candidate Temel

Karamollaoglu, and no coverage of HDP candidate Selahattin Demirtas. Many opposition parties relied instead on social media to connect with supporters.

The period between the April 2018 announcement of early elections and the vote saw several attacks on political party offices, rallies, and members, including some incidents that led to death and serious injury. Violence mostly targeted the HDP and its campaigners. Opposition party members faced frequent accusations from the highest levels of government of alleged terrorism-related crimes. Several opposition candidates for parliament continued to face legal charges in connection with such claims, and HDP presidential candidate Demirtas was in prison during the campaign. The OSCE noted that key amendments were adopted within months of the early elections without consultation and were perceived as favoring the ruling party.

There were allegations of electoral irregularities primarily in the east, which some tied to unanticipated levels of success for the AKP and associated parties.

In March 2019, the country held municipal elections for thousands of seats, ranging from local neighborhood council seats to metropolitan mayors. The campaign occurred in a media environment that was heavily biased in favor of the government. Progovernment outlets and ruling party incumbents criticized opposition leaders and candidates by alleging they had links to terrorism.

Council of Europe observers stated the elections were conducted in a technically sound and orderly manner but noted that a genuinely democratic election also needed a political environment with genuine freedom of expression, media freedom and equal access to all parties, and a fair and reasonable legal framework overseen by a robust judiciary.

After the Supreme Electoral Council (YSK) initially declared opposition candidate Ekrem Imamoglu the winner of the March 2019 mayoral race in Istanbul, the YSK ordered a rerun of the race in response to ruling party claims of election irregularities. The rerun decision attracted criticism from the European Commission, the Council of Europe, and many others, who asserted the YSK made the decision in a highly politicized context and under pressure from the presidency. In June 2019, Imamoglu won the election rerun and assumed office. The

municipal campaigns and elections occurred in an environment of restricted basic rights and freedoms, including those of assembly and speech. While most candidates were generally able to campaign ahead of the elections, government officials threatened multiple candidates and party leaders with criminal charges. For example, a prosecutor revived a resolved legal case against the opposition candidate for Ankara mayor, Mansur Yavas, and President Erdogan publicly raised doubts regarding Yavas' ability to fulfill his term should he be elected mayor because of the pending case. In September 2019, the court acquitted Yavas. The YSK unseated some winners of the 2019 municipal elections, including six winning HDP mayors, by finding them ineligible to serve after it had initially cleared their eligibility for candidacy.

All parties alleged irregularities in the voter lists, which they complained included “ghost voters” (one “ghost” registrant was older than 130) or legally deceased individuals and suspicious residency claims.

Media coverage overwhelmingly favored the candidates of the ruling party and its coalition and election ally, the Nationalist Movement Party (MHP). For example, according to a member of the national broadcasting regulator, during the 57-day period prior to the elections, state-run Turkish Radio and Television devoted 150 hours of coverage to the AKP, 50 hours to the CHP, and three hours to the HDP. Many opposition parties relied instead on social media to connect with supporters.

The pre-election period saw several attacks on political party offices, rallies, and members, including some incidents that led to death and serious injury. Opposition party members faced frequent accusations from the highest levels of government of alleged terrorism-related crimes. In April 2019, a crowd assaulted CHP chair Kemal Kilicdaroglu during the funeral ceremony for a soldier killed by the PKK. The attack followed statements by President Erdogan and the chair of the MHP accusing the CHP of sympathizing and collaborating with “PKK terrorists” during the municipal election campaigns due to its affiliation with the HDP. In February 2021, prosecutors filed an indictment against 21 individuals involved in the attack.

**Political Parties and Political Participation:** In parliament, 14 political parties held seats and others were able to participate in elections. Some parties enjoyed

greater advantages than others. Media influence favored the ruling party and its alliance partner, the MHP. Representatives expressing views critical of the government or President Erdogan have faced criminal or civil charges. The government used opposition leaders' social media postings to file criminal and civil complaints against them, alleging the defendants insulted the president and spread terrorist propaganda.

In Istanbul, both CHP Mayor Imamoglu and CHP Provincial Party Chair Kaftancioglu were the subjects of a number of investigations and judicial proceedings which human rights organizations widely viewed as politically motivated. On December 14, Imamoglu was found guilty of "insulting" government officials for his 2019 remarks allegedly insulting members of the YSK (see also Section 2.a., Freedom of Expression). The Istanbul Prosecutor's Office also initiated an investigation for Imamoglu being "disrespectful" by holding his hands behind his back while visiting the tomb of Sultan Mehmet II. Kaftancioglu also faces a number of investigations related to comments deemed insulting to President Erdogan and other senior government officials (see section 2.a.).

HDP representatives faced significant legal challenges to their ability to campaign, express opinions, and retain their mandate. The party faced a closure suit brought by the government. On March 31, more than 40 international and local human rights organizations and lawyers' associations, including the HRA, the Human Rights Foundation of Turkey, the European Association of Lawyers for Democracy and World Human Rights, and the International Federation for Human Rights, raised concerns such legal action is politically motivated to stifle dissent and particularly problematic against the backdrop of "severe democratic and rule of law backsliding". In March 2021, prosecutors filed a lawsuit to close the HDP, the third-largest party in parliament, and ban 687 HDP members from politics for five years. The Constitutional Court returned the indictment due to procedural deficiencies. In June 2021, the Constitutional Court accepted an amended indictment. The updated indictment sought political bans for 451 HDP members, including the party's top leaders. The indictment alleged the HDP provided support to the PKK. Since the HDP submitted its defense in April there have been no additional substantive developments, and the case was continuing at year's end.

During the year, restrictive government regulations constrained the ability of many



among the opposition to conduct political activities such as organizing protests or political campaign events and sharing critical messages on social media. Amendments made to the electoral law in April were scheduled to take effect starting April 2023. According to the revised law, parties must have an organizational structure in at least 41 provinces at the district, city, and provincial levels and must have convened an official party congress six months prior to the elections. The law removed an option newly-formed opposition parties had exercised in the past to form without meeting the organizational requirements by having 20 members of parliament form a parliamentary group. The country's electoral law also requires parties to submit full candidate lists in at least half of the provinces. Of the 120 registered parties in January, the YSK considered 27 eligible to run according to its May eligibility list, which it generally publishes every six months. The rest were deemed ineligible for failing to fulfil the requirements regarding organizational structure or holding all their local congresses six months prior to the list's publication.

The government also suspended democratically elected mayors in multiple cities and municipalities in the southeast and in their place assigned state "trustees" when the former were accused of (but not necessarily convicted of) affiliation with terrorist groups. The government most commonly directed these tactics against politicians affiliated with the leftist pro-Kurdish HDP and its partner, the Democratic Regions Party. The government suspended 81 percent of HDP mayors elected in the 2019 municipal elections. Since 2016, the government removed 88 percent of elected HDP officials. Former HDP cochairs Demirtas and Figen Yuksekdag remained in prison (see section 1.e., Political Prisoners and Detainees). The Council of Europe's Congress of Local and Regional Authorities March report underlined that the appointment of trustees by the AKP government to replace the elected HDP co-mayors was "against the international law."

The HDP blamed intensified government rhetoric linking the HDP with PKK terrorism for provoking armed attacks on HDP offices, including three attacks in 2021. In June 2021, an assailant shot and killed Deniz Poyraz, the daughter of an HDP volunteer, at a party office in Izmir. The assailant claimed he would have harmed more individuals had they been present and stated he was motivated by hatred for the PKK. The court case continued at year's end. The family of Deniz

Poyraz filed a criminal complaint against police officers, alleging they received security intelligence regarding the attack but failed to prevent it.

On August 15, an unknown assailant attacked the HDP office in Ankara early in the morning. The office was attacked numerous times including again on December 13, and no one was charged.

Opposition party officials reported difficulty raising campaign donations from individuals and businesses, which reported they feared reprisals from the government. Some company employees seen by their management as supporting opposition parties, especially the HDP, claimed they faced adverse treatment, including termination of employment.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women or members of minority groups in the political process. Some individuals advocating for political rights or associated with the HDP, however, experienced increased government pressure or were accused of ties to the PKK. According to the Association to Support Women Candidates, the number of women participating in the 2019 municipal elections as candidates at the mayoral, district mayoral, and metropolitan city levels was between 7.5 percent and 8.5 percent. For example, 652 of 8,257 (7.9 percent) mayoral candidates in the 2019 elections were women. Of the 1,389 elected mayors at the district level or higher, 37 were women. The number of women in the judiciary also remained disproportionately low. As of January, 25 percent of judges and prosecutors were women, a significant decrease from the previous year. As of year's end, there were 101 women in the 600-member parliament. The greatest number of elected women mayors were in the southeast and ran on leftist and pro-Kurdish party tickets.

## **Section 4. Corruption and Lack of Transparency in Government**

While the law provides criminal penalties for conviction of official corruption, the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. Parliament entrusts the Court of Accounts, the country's supreme audit institution, with accountability related to revenues and expenditures of government departments. Outside this audit system, there was no

dedicated regulator with the exclusive responsibility for investigating and prosecuting corruption cases and there were concerns regarding the impartiality of the judiciary in the handling of corruption cases. According to Transparency International, the public procurement system has consistently declined in transparency and competitiveness, with exceptions to the Public Procurement Law widely applied.

The Council of Europe's Group of States against Corruption (GRECO) completed its third *Interim Compliance Report* on the country's 2015 Fourth Evaluation Round and reported in March that only three of its 22 anticorruption recommendations were implemented. Such recommendations included increasing the transparency of the legislative process involving public consultation, creating a code of ethics for members of parliament, adopting a system for asset declarations, lifting parliamentary immunity, and strengthening the independence of the judiciary, as well as its selection process and standards of conduct.

While opposition politicians frequently accused the ruling party of corruption, there were only isolated journalistic or official investigations of government corruption during the year. Journalists and civil society organizations reported fearing retribution for reporting on corruption. Authorities continued to pursue criminal and civil charges against journalists reporting on corruption allegations. Courts and RTUK regularly blocked access to press reports regarding corruption.

In May the government proposed new measures that would criminalize reporting on corruption and other public interest stories and further restrict the work of the country's independent media. The bill included prison sentences for journalists who violate the rules and limited what could be published regarding banks, credit agencies, and other private finance sector companies, which has prompted increased self-censorship on corruption topics.

Prosecutors filed an indictment in April seeking six years' imprisonment for journalist Metin Cihan for releasing documents related to the government-linked Turkey Youth Foundation (TUGVA) on Twitter in October 2021. The documents contained names of hundreds of individuals allegedly assigned or considered for jobs at state institutions, including the military, the judiciary, and the police, at TUGVA's behest. Cihan obtained them from a whistleblower, Ramazan Aydogdu,

a state employee. Aydogdu, who was detained following the leak, faces 10-and-a-half years in prison if convicted. The document leak sparked a controversy, with TUGVA officials initially denying and then confirming the documents' legitimacy. The case continued at year's end.

**Corruption:** There were several credible press allegations of corruption throughout the year. For example, in August, mafia boss Sedat Peker unveiled a new series of corruption allegations on his Twitter account, claiming former Capital Markets Board head Ali Fuat Taskesenlioglu, AKP lawmaker Zehra Taskesenlioglu, presidential advisor Serkan Taranoglu, Union of Chambers and Commodity Exchanges of Turkey member Salih Orakci, and columnist Burak Tasci from the progovernment daily *Hurriyet* took bribes in an organized network aimed at benefitting their corporations and discrediting business rivals. Opposition figures slammed the inaction of public prosecutors over these allegations, with CHP leader Kemal Kilicdaroglu stating his party would file a criminal complaint related to the accusations and demanding prosecutors act.

On September 5, Istanbul Mayor Ekrem Imamoglu tweeted that the central government had transferred ownership of two Bosphorus mansions worth 7.2 billion lira (\$384 million) from the opposition-run municipality to the central government. An Istanbul government official told media the Treasury took over Fehime Sultan and Hatice Sultan mansions to transfer control to Turkish Airlines' catering company, THY DO&CO, with the goal to transform the historic buildings into hotels. According to the Ministry of Interior's designations, the buildings are classified as educational sites.

There were no high-profile prosecutions of officials on corruption charges during the year.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A limited number of domestic and international human rights groups operated throughout the country, although many faced continued pressure from the government during the year. Some had difficulty registering as legal entities with

the Ministry of Interior. Others faced government obstruction and restrictive laws regarding their operations. Human rights groups reported the government was often unresponsive to their requests for meetings and did not include their input in policy formation. Human rights organizations and monitors as well as lawyers and doctors involved in documenting human rights abuses occasionally faced detention, prosecution, intimidation, and harassment, and their organizations faced closure orders for their activities.

**Retribution against Human Rights Defenders (HRDs):** The HRA reported that its members have collectively faced more than 5,000 legal suits since the group's establishment, of which more than 129 were active at year's end. These cases were mostly related to terror and insult charges. The HRA also reported that four of its executives and members were in prison. Others faced continued threats of police detention and arrest. According to a report by the HRFT in June, 1,415 human rights activists in the country had been subject to various forms of harassment between January and April. In that four-month period, 23 activists received jail terms, 82 were acquitted, 305 were detained due to their work on human rights issues, and 16 were arrested (see sections 2.a. and 2.b.).

In January, a cochair of the HRA, Ozturk Turkdogan, was charged with "membership in a terrorist organization" (the PKK), insulting the Turkish state, and insulting Minister of Interior Soylu. In a January 20 press release, the HRA reported that Turkdogan's statements calling for PKK leader Abdullah Ocalan to be granted access to lawyers and family visitors were cited as evidence for the terrorism charge. The insult charges stem from the association's statements recognizing the Armenian genocide ("insulting the state") and accusing Minister Soylu of mishandling the Gara hostage rescue incident in February 2021. The association noted this was the first time since the 1990s that its cochair was targeted with criminal suits. After the HRA released a statement calling for government accountability regarding the failed Gara hostage rescue operation, Minister Soylu called it "that cursed association" and falsely accused it of not condemning killings of civilians by terrorist organizations.

Other members of the association also face various charges. Turkdogan himself previously faced prosecution in relation to his work during the peace process with the PKK from 2013-2015. As part of the investigation that formed the basis for

these new charges, police detained Turkdogan in March 2021 but released him on the same day. On February 3, police raided the Diyarbakir branch of the HRA in the early morning hours, detained the branch secretary, and seized various documents and personal belongings.

Hanife Yıldız, a member of the Saturday Mothers, was detained on May 17 during a joint press statement made by the HRFT and the HRA in front of the Istanbul Courthouse as part of the May 17-31 International Week of the Enforced Disappeared events. Yıldız was detained because of her criticisms of the ban on Saturday Mothers protests in Galatasaray Square.

In September 2021, a Diyarbakir court convicted lawyer and human rights defender Nurcan Kaya of “making terrorist propaganda” for her 2014 social media posts related to Turkey’s operations in Syria, many of which criticized state violence and human rights violations. She was sentenced to one year and three months in prison in a suspended sentence. Kaya was appealing the decision at year’s end.

The harassment, detention, and arrest of many leaders and members of human rights organizations resulted in some organizations closing offices and curtailing activities and some human rights defenders self-censoring.

Some international and Syrian NGOs based in the country and involved in Syria-related programs reported difficulty renewing their official registrations with the government, obtaining program approvals, and obtaining residency permits for their staff. Some noted the government’s documentation requirements were unclear.

**Government Human Rights Bodies:** The Ombudsman Institution and the National Human Rights and Equality Institution serve as the government’s human rights monitoring bodies. The Ombudsman Institution operated under parliament as a complaint mechanism for citizens to request investigations into government practices and actions, particularly concerning human rights problems and personnel issues, although dismissals under the 2016-2018 state of emergency decrees did not fall within its purview. The Ombudsman Institution’s mandate extends only to complaints relating to public administration. The National Human

Rights and Equality Institution reviews cases outside the Ombudsman Institution's mandate. Independent observers assessed that both institutions were not financially nor operationally independent.

The Inquiry Commission on the State of Emergency Measures was established in 2017 to review cases and appeals related to purges and closures during the state of emergency (see section 1.e., Civil Judicial Procedures and Remedies).

The Ministry of Justice's Human Rights Department served as the ministry's lead entity on human rights issues, coordinating its work with the ministry's Victims' Rights Department.

Parliament's Human Rights Commission functioned as a national monitoring mechanism. Commission members maintained a dialogue with NGOs on human rights problems and conducted some prison visits, although activists claimed the commission's ability to influence government action was limited.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes gender-based violence and sexual assault, including rape and spousal rape, with penalties of two to 10 years' imprisonment for conviction of attempted sexual violation and at least 12 years' imprisonment for conviction of rape or sexual violation. Women's groups reported the government did not effectively or fully enforce these laws or protect survivors.

Gender-based violence, including domestic and intimate partner violence, remained a serious and widespread problem both in rural and urban areas.

The We Will Stop Femicide Platform, an NGO dedicated to monitoring violence against women and the LGBTQI+ community, estimated that men killed at least 396 women during the year, compared with 425 women in 2021. Government authorities did not consistently release statistics on gender-based violence. The minister of interior stated that 392 women were killed by men and 226 died under suspicious circumstances during the year.

On June 1, an Istanbul court held the first hearing for the case against We Will Stop Femicide on charges of “activity against law and morals” (see section 2.b., Freedom of Association). The NGO campaigns for the ending of femicide in the country and frequently criticizes the government for what it considers to be inadequate laws to combat violence against women. The organization also calls on the government to reinstate the Istanbul Convention.

The law requires police and local authorities to grant various levels of protection and support services to survivors of violence or those at risk of violence. It also mandates government services, such as shelter and temporary financial support, for survivors and provides for family courts to impose sanctions on perpetrators.

The law provides for the establishment of violence prevention and monitoring centers to offer economic, psychological, legal, and social assistance. There were 81 violence prevention centers throughout the country, one in each province. In May the minister of family and social services announced 61,167 women and 26,428 children received services from women’s shelters as of April. Women’s rights advocates asserted there were not enough shelters to meet the demand for assistance and shelter staff did not provide adequate care and services, particularly in the southeast. Lack of services was more acute for elderly women and LGBTQI+ women as well as for women with older children.

The government operated a nationwide domestic violence hotline, and a web application called the Women Emergency Assistance Notification System (KADES), which provides women with a hotline to report domestic violence. In July KADES stated that since its inception in 2018, it had received more than 355,000 reports of gender-based violence; this figure means that on average 243 women reported experiencing violence daily. The ministry did not specify types of response. NGOs asserted the quality of services provided in response to calls was inadequate for survivors of domestic violence and that women were at times directed to mediation centers or told to reconcile with their husbands.

In 2021, President Erdogan withdrew the country from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention. The Presidency’s Directorate of Communications issued a statement that the withdrawal resulted from the



convention's "hijack[ing]" by those "attempting to normalize homosexuality – which is incompatible with Turkey's social and family values" (see section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics). Women's groups strongly criticized the withdrawal and challenged the legality of withdrawing from the treaty via presidential decree; the court upheld the decision to withdraw in July. Since the country's withdrawal from the convention, women's groups that worked with survivors of gender-based violence reported that they were less likely to approach authorities, believing the withdrawal signaled a lessening of the government's commitment to aid survivors.

Courts regularly issued restraining orders to protect survivors, but human rights organizations reported police rarely enforced them effectively. Women's associations also charged that government counselors and police sometimes encouraged women to remain in abusive marriages at their own personal risk rather than break up families.

On February 16, Sila Senturk was reportedly killed by her former fiance in the northern province of Giresun after she filed a second complaint to police concerning his mistreatment. Senturk's family reportedly forced her into the engagement against her wishes and despite her being under the legal age; she was age 16. According to media reporting, Senturk's alleged killer, Can Gokcek, had kidnapped Senturk a year prior and was charged with "sexual abuse of the child" and "abduction and detention of the child" but was released from prison after a month, and the family subsequently withdrew its complaint.

Courts in some cases gave reduced sentences to men found guilty of committing gender-based violence, citing good behavior during the trial or "unjustifiable provocation" by women as an extenuating circumstance of the crime. The criminal code allows defendants to receive a reduced sentence if the offense was committed "in a state of anger or severe distress caused by an unjust act." For example, on June 23, a court reduced the jail term of Cemal Metin Avci, who murdered his former girlfriend, Pinar Gultekin, in Mugla in 2020 by beating and strangling her and then burning her body. Originally sentenced to 23 years, his sentence was reduced to 14 on the grounds that the incident was a result of "unjust provocation." The court also acquitted several family members of Avci previously accused of

aiding in the crime. The decision provoked widespread public criticism including from the women's empowerment organization Women and Democracy Association, which stated, "in this brutal event, the application of unjust provocation reduction, based on the statements of the accused, damaged the sense of justice of society. There is no unjust provocation to intentionally killing with a monstrous feeling."

**Other Forms of Gender-based Violence:** There were occasional reports of so-called honor killings of women, mainly in the southeast. In June in Adana, a woman was shot and her partner was killed by the woman's former husband, her father, and her brothers. Before her family instigated the attack it had been pressuring her to leave her partner or get married. Police arrested or charged four individuals, and five other suspects were released under judicial controls.

The criminal code prescribes life imprisonment for killings perpetrated with the motive of "custom," but NGOs reported courts often reduced actual sentences due to mitigating factors, including "unjustifiable provocation."

**Sexual Harassment:** The law provides for up to five years' imprisonment for sexual harassment. If the survivor is a child the recommended punishments are longer. Women's rights activists reported, however, that authorities rarely enforced these laws.

Gender equality organizations indicated incidents of verbal harassment and physical intimidation of women in public occurred with regularity and cited as the cause a permissive social environment in which harassers were emboldened.

Some women's rights NGOs asserted that weak enforcement of laws to protect women and light sentencing of perpetrators of gender-based violence contributed to a climate of permissiveness for potential offenders. According to Ministry of Justice statistics, there were 33,570 sexual harassment cases in 2021, a significant increase from the previous year. Prosecutors did not prosecute 43 percent of the cases. In cases that went to trial, the courts acquitted the accused perpetrator in 16 percent of cases, convicted and sentenced the perpetrator in 46 percent, and suspended the sentence through a verdict postponement judgement in 23 percent of the cases; the remaining 15 percent of cases were ongoing. The high rate of

verdict postponement contributed to perceptions of impunity for sexual harassment.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The UN Population Fund determined that 11.5 percent of women in the country had unmet needs in family planning based on data from the *2018 Turkey Demographic and Health Survey* conducted by Hacettepe University's Institute of Population Studies. The survey, conducted every five years, found 97 percent of women knew of at least one family planning method. At least 70 percent of married women reported using at least one family planning method.

According to the NGO Turkish Family Health and Planning Foundation (TAPV), there was significant unmet demand for family planning counseling and services, particularly among older women with at least one child. Women in Northeast Anatolia, Istanbul, West Marmara, and Southeast Anatolia regions had the highest rate of unmet family planning needs in the country. TAPV concluded that the shrinking role of public health-care providers in reproductive health (vice private health-care providers) negatively impacted accessibility to family planning resources, particularly among lower-income women. Women could access contraception methods for free in government-funded primary health-care units and hospitals or from pharmacies and private practitioners for a fee. In TAPV's October study on sexual and reproductive health services in six provinces, health-care professionals state that contraceptive materials, other than condoms, came very rarely and in small numbers to institutions and that contraceptive materials could not be provided to meet the needs of those who apply for them. The report also found that LGBTQI+ persons and persons with disabilities were groups identified by health workers participating in the research in each province as having the most difficulty accessing sexual and reproductive health services. According to research by Kadir Has University, less than 10 percent of public hospitals perform abortions except in cases of medical emergency.

A 2021 report in *BMC Women's Health* based on interviews in Istanbul found that religious factors played the leading role in women's choice of a particular family planning method, with less religious women more likely to choose modern

contraception methods. The study found that religious belief did not have a direct influence on decisions of whether to employ family planning. The report also noted that men had limited involvement in family planning decision making.

Access to family planning methods and information on managing reproductive health was more difficult for many of the four million refugees in the country. A 2020 *Reproductive Health Journal* analysis of the sexual and reproductive health of Syrian refugee women stated the rate of postnatal care was inadequate. The review reported a 24 percent rate of modern contraceptive method use among all age groups of Syrian girls and women, with estimated rates of unmet family planning needs at 35 percent and only 20 percent of Syrian women having regular gynecological examinations. According to the 2018 *Turkey Demographic and Health Survey*, 39 percent of Syrian women aged 15 to 19 were already mothers or pregnant with their first child; the adolescent birth rate among Syrian girls aged 15 to 19 was 209 per 1,000, compared to 30 among Turkish girls. Of Syrian women who gave birth, 7 percent had not delivered in a health facility, and more than 10 percent of Syrian women who gave birth did not have a postnatal health check, compared to 4.5 percent for Turkish women.

The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception was available as part of clinical management of rape.

**Discrimination:** For the most part, women enjoy the same rights as men by law, although inequities remain. Societal and official discrimination were widespread. According to the World Bank's *Women, Business, and the Law Report*, legal restrictions exist on women's right to remarry, requiring a 300-day waiting period following the dissolution of a marriage before remarrying (giving birth also ends the waiting period), and on the ability to work in mining and water industries. No legal prohibition against gender-based discrimination in access to credit exists. Women faced discrimination in employment (see section 7.d.). Based on data from the Turkish Statistical Institute (TUIK), the labor participation rate for men was 71 percent and only 34 percent for women.

The constitution permits measures to advance gender equality. To encourage the hiring of women, the state paid social services insurance premiums on behalf of

employers for several months for any woman employee older than 18. Laws introduced as a gender justice initiative provided for maternity leave, breastfeeding time during work hours, flexibility in work hours, and required childcare by large employers.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution provides a single nationality designation for all citizens and does not expressly recognize national, racial, or ethnic minorities except for three non-Muslim minorities: Armenian Apostolic Christians, Jews, and Greek Orthodox Christians. Other national, religious, or ethnic minorities, including Assyrians, Jaferis, Yezidis, Kurds, Arabs, Roma, Circassians, and Laz, were not permitted to fully exercise their linguistic, religious, and cultural rights. The constitution prohibits discrimination based on language, race, or color and provides for equality in the eyes of the law, but authorities did not consistently enforce these provisions.

More than 15 million citizens were estimated to be of Kurdish origin and spoke Kurdish dialects. Security force efforts against the PKK disproportionately affected Kurdish communities throughout much of the year. Some predominantly Kurdish communities experienced government-imposed curfews, generally in connection with government security operations aimed at clearing areas of PKK terrorists (see section 1.g.).

Kurdish and pro-Kurdish civil society organizations and political parties continued to experience problems exercising freedoms of assembly and association (see section 2.b.). Hundreds of Kurdish civil society organizations and Kurdish-language media outlets closed by government decree in 2016 and 2017 after the coup attempt remained shut.

The law allows citizens to open private institutions to provide education in languages and dialects they traditionally use in their daily lives, on the condition that schools are subject to the law and inspected by the Ministry of National Education. Some universities offered elective Kurdish-language courses, and five universities had Kurdish-language departments. A survey by the Ismail Besikci Foundation of 58 academics working in Kurdish studies found that 63 percent reported practicing self-censorship in their classes and 70 percent reported

practicing self-censorship in their academic research and publications.

The law allows reinstatement of former non-Turkish names of villages and neighborhoods and provides political parties and their members the right to campaign and use promotional material in any language, but this right was not protected. The law restricts the use of languages other than Turkish in government and public services.

In January police prevented a group of street musicians from singing in Kurdish on the streets of Istanbul. It was also reported that four of the musicians were detained and exposed to physical and verbal violence and had their instruments confiscated. In May, the northwestern province of Kocaeli banned Kurdish and Alevi singer Aynur Dogan's concert. The local government concluded that the concert would not be appropriate without specifying the reason. In the same month, Kocaeli also cancelled a Kurdish play. The Diyarbakir Bar Association announced it would pursue legal action regarding the banning of Kurdish events, stating, "language is not only a communication tool, but is also an identity. Leave the prohibitive approach behind."

There were several attacks against ethnic Kurds that human rights organizations alleged were racially motivated. On February 22, a group of approximately 30 individuals attacked three Kurdish students on the campus of Akdeniz University in Antalya who were sitting in a café. The group had been on campus taunting Kurdish students. Students reported police remained unresponsive while the attack was taking place and no charges were launched against the perpetrators.

In June journalist Berivan Altan reported on an attack on a Kurdish family in Ankara and how women and children were being removed from a neighborhood. Altan was later charged with "provoking the people into hatred and animosity."

Romani communities reported discrimination and lack of access to education, housing, health care, and employment. Community members recounted that a majority of Romani do not complete formal education and as a result are unable to secure employment. According to a report completed in January by the Social Democracy Foundation, Istanbul Planning Agency, and Zero Discrimination Association, more than 77.5 percent of Roma were unemployed, 57.5 percent lived

in rented houses, and 83.2 percent used a stove for heating. Of those who held employment, many worked as cleaners, municipal personnel, and waste collectors. An estimated 8.5 percent had jobs in the informal economy selling products such as water and flowers. According to a Roma NGO in Izmir, Roma children on average spend less than two years in school.

The government adopted a national Romani strategy in 2016 but underfunded the initiative. Romani advocates complained there was little concrete advancement for Roma. They also reported that Romani communities were particularly hard hit by the COVID-19 pandemic and the economic situation in the country, and the national government did little to provide economic assistance to the communities. Community representatives reported some families lost housing and utilities due to inability to pay their bills as a result of COVID-19.

Armenian minority groups reported hate speech and coded language directed against the Armenian community, including from high-level government officials. The Armenian Patriarchate reported receiving anonymous threats around Armenian Genocide Remembrance Day. The Ankara Prosecutor's Office opened an investigation into CHP member of parliament Sezgin Tanrikulu for "insulting the Turkish state" after he addressed the genocide on social media. Tanrikulu wrote, "107 years ago, on April 24, 1915, hundreds of Armenian intellectuals were detained in Istanbul, exiled to Cankiri, Ayas, and Ankara, and forcibly disappeared. Without confronting this date, which is the milestone of evil, true justice cannot be achieved." President Erdogan called ethnic Armenian member of parliament Garo Paylan a "traitor" for introducing a bill to parliament calling for recognition of the Armenian genocide. "We perceive [the bill] as an open betrayal in the highest instance," the president said, calling for "necessary measures" to be taken against Paylan.

## **Children**

**Birth Registration:** There was universal birth registration, and births were generally registered promptly. A child receives citizenship from his or her parents, not through birth in the country. Only one parent needs to be a citizen to convey citizenship to a child. In special cases in which a child born in the country may not receive citizenship from any other country due to the status of his or her parents,

the child is legally entitled to receive citizenship.

**Education:** Human rights NGOs and others expressed concern that despite the law on compulsory education and the progress made by the nationwide literacy campaign launched in 2018, some families were able to keep girls home from school, particularly in religiously conservative rural areas, where girls often dropped out of school after completing their mandatory primary education.

Although the government officially allows the use of Kurdish in private education and in public discourse, it did not extend permission for Kurdish-language instruction to public education. The constitution prohibits any language other than Turkish to be taught “as a mother tongue.”

**Child Abuse:** The law authorizes police and local officials to grant various levels of protection and support services to children who are victims of violence or to those at risk of violence. Nevertheless, children’s rights advocates reported inconsistent implementation and called for expansion of support for victims. The law requires the government to provide services to victims, such as shelter and temporary financial support, and empowers family courts to impose sanctions on those responsible for the violence.

By law if the victim of abuse is between the ages of 12 and 18, molestation results in a sentence of three to eight years in prison, sexual abuse in a sentence of eight to 15 years’ imprisonment, and rape in a sentence of at least 16 years’ imprisonment. If the victim is younger than 12, conviction of molestation results in a minimum sentence of five years’ imprisonment, conviction of sexual abuse a minimum of 10 years’ imprisonment, and conviction of rape a minimum of 18 years’ imprisonment.

According to Ministry of Justice statistics, courts opened 29,822 legal cases related to child sexual abuse and sentenced 16,601 persons to imprisonment for child sexual abuse in 2021.

**Child, Early, and Forced Marriage:** The law defines 18 as the minimum age for marriage, although children may marry at 17 with parental permission and at 16 with court approval. The law acknowledges civil and religious marriages, but the latter were not always registered with the state.



Comprehensive statistics on child, early, and forced marriage were unavailable because the marriages often took place unofficially. NGOs reported children as young as 12 married in unofficial religious ceremonies, particularly in poor and rural regions and among the Syrian community in the country. Early and forced marriage was particularly prevalent in the southeast, and women’s rights activists reported the problem remained serious. A study of child, early, and forced marriage by the UN Population Fund and Hacettepe University released in December 2020 found that the proportion of women who had married before the age of 18 in the 20-to-24 age group declined between 1993 and 2008. The decline did not continue between 2008 and 2018, however, and the rate of child, early, and forced marriage increased in West Marmara, Aegean, Mediterranean and Southeast Anatolia regions. In 2021, according to the Turkish Statistical Institute, 24.2 percent of women were married before age 18.

Human rights organizations reported that during the COVID-19 pandemic there were incidences of families “selling” girls for marriage to men as an economic coping mechanism. Hacettepe University’s *2018 Demographic and Health Survey*, which is carried out every five years, showed that 12 percent of Syrian girls in the country married before the age of 15 and 38 percent married before the age of 18. Local NGOs worked to educate and raise awareness among individuals in the Turkish and Syrian populations in southeastern provinces.

Women’s rights groups stated there were instances of forced marriages and bride kidnapping, particularly in rural areas, although the practices were not widespread.

**Sexual Exploitation of Children:** The constitution requires the state to take measures to protect children from exploitation. The law criminalizes sexual exploitation of children and mandates a minimum sentence of eight years in prison. The penalty for conviction of encouraging or facilitating child commercial sexual exploitation is up to 10 years’ imprisonment; if violence or pressure is involved, a judge may double the sentence. The government did not publish data on rates of sexual exploitation of children.

NGOs such as ECPAT noted that young Syrian women refugees were particularly vulnerable to being exploited by criminal organizations and pressured into sex work, and this practice was particularly prevalent among adolescent girls.

The age of consent for sex is 18. The law prohibits producing or disseminating child pornography and stipulates a prison sentence of up to two years as well as a fine for violations. The government enforces the law effectively and brings prosecutions under crimes against “public morals” and “obscenity.” The law provides prison sentences of up to five years for incest.

**Displaced Children:** Many women’s and migrant rights NGOs reported that displaced children, mostly Syrian, remained vulnerable to economic and sexual abuse.

## **Antisemitism**

According to the Chief Rabbinate in Istanbul, approximately 16,000 Jews live in the country. Some members of the community continued to emigrate or seek to obtain citizenship in a second country, in part due to concerns regarding antisemitism.

Jewish citizens expressed concern regarding antisemitism and security threats. Antisemitic rhetoric continued in print media and on social media throughout the year. On July 14, vandals destroyed 81 tombstones in a 600-year-old Jewish cemetery in Haskoy. Authorities detained five suspects aged 11 to 13 the next day. The investigation continued at year’s end. Minister of Interior Soylu condemned the “heinous attack” on the Haskoy cemetery.

To combat antisemitism and Holocaust distortion, the government continued to commemorate International Holocaust Remembrance Day in January, with the Ministry of Foreign Affairs issuing a statement for the occasion. In February for the seventh year in a row, the government commemorated the nearly 800 Jewish refugees who died aboard the Struma, a ship that sank off the coast of Istanbul in 1942. The deputy governor of Istanbul, Chief Rabbi Haleva, other members of the Jewish community, the foreign minister, and members of the diplomatic community attended the commemoration. As in previous years, President Erdogan issued public messages in celebration of the Jewish holidays of Passover, Rosh Hashanah, and Hanukkah.

The Department of State’s *Justice for Uncompensated Survivors Today (JUST) Act* report to Congress, released publicly in July 2020, provides details on the

country's history during the Holocaust and activities for Holocaust restitution, remembrance, education, and archival access (see <https://www.state.gov/reports/just-act-report-to-congress/>).

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** Same-sex sexual conduct is not explicitly outlawed or criminalized, however, provisions of the law concerning “offenses against public morality,” “protection of the family,” and “unnatural sexual behavior” sometimes served as a basis for abuse by police, discrimination by employers, and the banning of public gatherings.

**Violence against LGBTQI+ Persons:** During the year LGBTQI+ individuals experienced discrimination, intimidation, and violent crimes. Human rights groups reported that police and prosecutors frequently failed to pursue cases of violence against LGBTQI+ persons or accepted justification for perpetrators' actions. Human rights defenders reported specific members of the police force repeatedly attempted to instigate violence at peaceful demonstrations to justify police violence against, and detention of, the demonstrators. Several human rights organizations reported police tortured and mistreated demonstrators and attorneys detained in connection with Pride demonstrations in June (see section 1.c., Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses). Police rarely arrested suspects or held them in pretrial detention, as was common with other defendants. Some members of the LGBTQI+ community reported reluctance to wear rainbow colors in public, citing fears of police harassment. When arrests were made of those accused of committing crimes against LGBTQI+ persons, defendants could claim “unjustifiable provocation” under the penal code and request a reduced sentence. Judges routinely applied this provision to reduce the sentences of persons who killed or assaulted LGBTQI+

individuals. Courts of appeal previously upheld these verdicts based in part on the “immoral nature” of the victim. Although sex work is not illegal in Turkey, LGBTQI+ advocates reported police arbitrarily detained transgender individuals engaged in sex work and courts and prosecutors created an environment of impunity for attacks on transgender persons involved in sex work.

On July 16, a transgender woman reported she was assaulted in a police station in Istanbul. She reported that following verbal harassment by a neighborhood guard, police dragged her by the hair, beat her, and took her to the police station, where they continued the assault. A criminal complaint was filed against those involved.

Human rights activists attributed what they assessed to be increased public anti-LGBTQI+ sentiment and incidence of violence against LGBTQI+ individuals to an uptick in anti-LGBTQI+ rhetoric by government officials amplified through progovernment media. Minister of Interior Soylu frequently linked LGBTQI+ rights to terrorism and referred to the “deviancy called LGBT.” On November 12 in a speech to AKP members in the northwest, Soylu called the LGBTQI+ community “propaganda of a terrorist organization, which tries to make people forget their values, their religion, unity, parental love and family loyalty.”

**Discrimination:** The criminal code does not include protections based on sexual orientation or gender identity or expression. The law allows for up to three years in prison for hate speech or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Human rights defenders asserted such protections were more frequently applied against members of the LGBTQI+ community. Human rights groups criticized the law’s failure to include protections based on gender identity. LGBTQI+ definitions were not included in the law, but authorities maintained that the general “gender” concept in the constitution provides for protections for LGBTQI+ individuals.

The Presidency Communications Directorate attributed the country’s withdrawal from the Istanbul Convention to the convention being “hijacked by a group of people attempting to normalize homosexuality which is incompatible with Turkey’s social and family values.” LGBTQI+ groups reported concern that following the country’s withdrawal from the convention, the government would

weaken protections for LGBTQI+ victims of gender-based violence or follow the withdrawal with anti-LGBTQI+ legislation.

Human rights organizations reported that some LGBTQI+ individuals were unable to access health services or faced discrimination when trying to do so. Some LGBTQI+ individuals reported they believed it necessary to hide their identities, faced mistreatment by health-service providers (in many cases preferring not to request any service), and noted that prejudice against HIV-positive individuals negatively affected perceptions of the LGBTQI+ community. Multiple sources reported discrimination in housing, as landlords refused to rent to LGBTQI+ individuals or charged them significantly higher prices.

**Availability of Legal Gender Recognition:** Individuals could change the gender marker on an identity card if gender-affirming surgery was conducted at a state hospital; this surgery was available in major cities like Istanbul, Ankara, Izmir, and Antalya. The minimum age required to get gender affirming surgery is 18. Those who suffered complications following a procedure had no legal recourse to launch against the doctor in question.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** LGBTQI NGOs reported that so-called conversion therapy practices occurred but were not widely practiced; families and individuals themselves, however, sought such “treatments” from therapists. The NGOs remarked that they reported any health professionals identified with such practices to the medical associations that license medical professionals.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** Numerous LGBTQI+ organizations reported a continued sense of vulnerability as restrictions on their freedom of speech, assembly, and association continued. NGOs reported that police targeted LGBTQI+ individuals using disproportionate force while intervening in demonstrations. University officials limited LGBTQI+ students’ ability to organize and stage Pride events. In February, LGBTQI+ NGO KAOS-GL released its 2021 LGBTQI human rights report, finding that 30 percent of all violations against the LGBTQI+ community were concerning freedom of expression.

Some LGBTQI+ organizations reported the vague parameters of the October “disinformation” law may force them to discontinue community outreach and information campaigns due to fears that any speech related to the LGBTQI+ community may be criminalized as “disinformation.”

LGBTQI+ organizations reported the government used regular and detailed audits against them to create administrative burdens and threatened the possibility of large fines. Such audits were at times conducted under the basis of purported antiterrorist financing legislation or compliance with foreign funding regulations. Authorities audited LGBTQI+ organizations more frequently than NGOs focused on other issues (see section 2.b., Freedom of Association). LGBTQI+ organizations reported government rhetoric increasingly equated LGBTQI+ topics with terrorism.

In May police detained 70 students associated with the LGBTQI+ student club at Bogazici University in Istanbul during their Pride March. The university had banned all events related to Pride activities. In July the university banned an LGBTQI+ movie scheduled to be shown as part of a film festival.

In June Pride Marches were banned in multiple neighborhoods in Istanbul and the public transportation to areas that have hosted marches in the past was limited. Pride Month saw an unprecedented number of detentions as police broke up marches and activities with force. Police took 379 demonstrators into custody in the Istanbul Pride March alone, including 34 children and several journalists; many were beaten by police, held for hours in police cars without food or water, or suffered other maltreatment (see sections 1.c. and 2.a).

Rectors of Bogazici University and Middle East Technical University also forbade marches on campus. Police detained 70 demonstrators at Bogazici and 38 at Middle East Technical University.

Dating and social networking sites catering to the LGBTQI+ community faced content blocks. In August 2021, Apple removed the social networking application Hornet from its Turkey app store, based on a 2020 court order stemming from a complaint filed by the Ankara provincial Jandarma command. Details on the case or the court’s reasoning were not publicly available. Access to Hornet’s website

also remained blocked. Authorities have blocked the dating site and application Grindr since 2013.

## **Persons with Disabilities**

The law requires all governmental institutions and businesses to provide persons with disabilities access to public areas and public transportation and allows for the establishment of review commissions and fines for noncompliance. Government guidelines required official information materials to be provided in accessible formats. The law requires that transit on public transportation be provided free of charge to persons with disabilities. The government, however, made limited progress implementing the law, and access in many cities remained restricted. The law prohibits discrimination against persons with disabilities, but NGOs that advocate for persons with disabilities asserted the government did not enforce the law effectively.

The Ministry of Family and Social Services is responsible for protecting persons with disabilities. The ministry maintained social service centers assisting marginalized individuals, including persons with disabilities. Most children with disabilities were enrolled in mainstream public schools; others attended special education centers.

According to Ministry of Family and Social Services data, the public sector employed 62,356 persons with disabilities as of December. Some NGOs representing persons with disabilities reported delays in appointment of candidates with disabilities to government positions. The private sector employed approximately 110,000 of the 2.5 million citizens with disabilities qualified for work. An employment quota requires private-sector companies with more than 50 employees to include at least 3 percent representation in their workforce of employees with disabilities. The public-sector quota is 4 percent. There was no information available on the implementation of fines for accountability.

The law requires all public schools to accommodate students with disabilities, although activists reported instances of such students being refused admission or encouraged to drop out of school. According to disability activists, a large number of school-age children with disabilities did not receive adequate access to

education. According to a December 2021 report by the Ministry of Family and Social Services, during the 2020-2021 school year (the latest period for which data were available) 425,816 students with disabilities were in school, with 319,881 studying in regular schools and the remainder in either state-run or privately owned special education schools or classes. A Ministry of Family and Social Services program allowed individuals with autism to stay in government-run houses and offered state resources to families who were unable to attend to all the needs of their autistic children.

## **Other Societal Violence or Discrimination**

Alevis and Christians, including Armenian Apostolic Christians, remained the subject of hate speech and discrimination. In Ankara on July 30, an attacker threw chairs at worshippers at an Alevi place of worship, stabbed a woman employee at an Alevi foundation, and vandalized three other Alevi institutions. The Ankara Police Department stated the same person carried out all attacks and that he had been apprehended. On August 5, an Alevi leader in Istanbul was attacked outside his home. These attacks occurred during the Alevi holy month of Muharram. Government and opposition officials condemned the attacks. Vandals continued to target disused minority religious sites, including an Armenian Apostolic Christian church in Kayseri and two Greek Orthodox churches in the Black Sea region. Atheists also remained the subject of intimidation in media, albeit at a lower level relative to other religious minorities.

International protection status holders and temporary protection beneficiaries also faced increased societal discrimination and violence during the year (see section 2.d.).

Many persons with HIV and AIDS reported discrimination in access to employment, housing, public services, benefits, and health care. Rights organizations noted that the country lacked sufficient laws protecting persons with HIV and AIDS from discrimination and that there were legal obstacles to anonymous HIV testing. Due to pervasive social stigma against persons with HIV and AIDS, many individuals avoided testing for HIV due to fear the results would be used against them. Human rights advocates reported that some employers required HIV and AIDS testing prior to employment to screen positive applicants.



HIV-positive individuals also reported issues in receiving exemption from compulsory military service. In September the Pozitif-iz Association reported that the number of complaints of human rights abuses more than tripled from 42 in 2020 to 140 in 2021. The majority related to health service-provider discrimination (62 percent) followed by employment discrimination (25 percent). The government implemented an HIV and AIDS control program for 2019-2024 to raise awareness and combat risk factors.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes, but it places significant restrictions on these rights. Some public-sector employees, such as senior officials, magistrates, members of the armed forces, and police, may not form or join unions. The law prohibits antiunion discrimination and discourages employers from terminating workers involved in union activities. In particular, the law requires employers to either reinstate a worker fired for participating in union activity or to pay enhanced compensation of at least one year of the affected worker's salary if a court finds the worker was unfairly terminated for participating in union activities. If the employer opts not to reinstate the worker to their former role, the law requires the employer to pay union compensation and an additional fine of four to eight months' wages. The law provides some workers the right to strike.

A 2014 Constitutional Court ruling that bankers and municipal transport workers have the right to strike remains in force. Public-sector workers who are responsible for safeguarding life and property as well as workers in the essential areas (coal mining and petroleum industries, hospitals and funeral industries, urban transportation, energy and sanitation services, national defense, banking, and education) do not have the right to strike.

While the law allows some essential workers to bargain collectively, it requires workers to resolve disputes through binding arbitration rather than strikes. The law further allows the government to deny the right to strike in any situation that represents a threat to public health or national security.

The government also maintains restrictions on the right of association and collective bargaining. The law requires labor unions to notify government officials prior to meetings or rallies, which must occur in officially designated areas, and allows government representatives to attend their conventions and record the proceedings.

The law requires a minimum of seven workers to establish a union without prior approval. To become a bargaining agent, a union must represent 40 percent of the worksite employees and 1 percent of all workers in that industry. The law prohibits union leaders from becoming officers of or otherwise performing duties for political parties. The law also prohibits union leaders from working for or being involved in the operation of any profit-making enterprise. According to the Ministry of Labor and Social Security, as of July, 72 percent of public-sector employees and 14 percent of private-sector employees were unionized. Migrant workers and domestic servants without valid work permits were prohibited from joining unions and nonunionized workers were not covered by collective bargaining laws.

The government consistently enforced laws related to collective bargaining and freedom of association. Labor courts functioned effectively and relatively efficiently, although as with other courts, the appeals process could often last for years. The 19 unions and confederations shut down under the 2016-2018 state of emergency, some due to alleged affiliations with the Gulen movement, remained closed.

The government and employers interfered with freedom of association and the right to collective bargaining. Government restrictions and interference limited the ability of some unions to conduct public and other activities. Police frequently attended union meetings and conventions. In addition, some unions reported that local authorities prohibited public activities, such as marches and press conferences. Between 2003 and 2022, the government banned a total of 19 strikes. The United Metal-Is Union stated it was the union with the most banned strikes and had gone to the Constitutional Court many times, which led to the government paying compensation.

Employers used threats, violence, and layoffs in unionized workplaces. Unions

stated that antiunion discrimination occurred regularly across sectors. Manufacturing and service-sector union organizers reported that private-sector employers sometimes ignored the law and dismissed workers to discourage union activity. Many employers hired workers on revolving contracts of less than a year's duration, making them ineligible for equal benefits or bargaining rights. In January and February, employees from more than 40 companies, spanning delivery service, courier, media, health-care, metal, and manufacturing sectors, organized protests. Protests called for wage increases in line with inflation and some noted antiunion activity by companies.

## **b. Prohibition of Forced or Compulsory Labor**

The law generally prohibits and criminalizes all forms of forced or compulsory labor, and the government generally enforced such laws. Forced labor generally did not occur, although some local and refugee families required their children to work on the streets and in the agricultural or industrial sectors to supplement family income (see section 7.c.).

Women, refugees, and migrants were vulnerable to forced labor. Although government efforts to prevent forced labor continued with mixed effect, authorities made improvements in identifying victims nationwide. The government did not release data on the number of arrests and convictions related to forced labor.

The government implemented a work permit system for adult temporary protection beneficiaries (Syrians); however, applying for a work permit was the responsibility of the employer, and the procedure was sufficiently burdensome and expensive that relatively few employers pursued legally hiring refugees. As a consequence, the vast majority of both international protection status holders and temporary protection beneficiaries remained without legal employment options, leaving them vulnerable to exploitation, including illegally low wages, withholding of wages, and exposure to unsafe work conditions.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

### **d. Discrimination with Respect to Employment and Occupation**

The law does not explicitly address discrimination due to sexual orientation, gender identity, color, national origin or citizenship, social origin, communicable disease status, or HIV-positive status. The labor code does not apply to discrimination in the recruitment phase. Discrimination in employment or occupation occurred with regard to sex, ethnicity, religion, sexual orientation, HIV-positive status, and presence of a disability. Sources also reported frequent discrimination based on political affiliation and views. Women faced discrimination in employment and were generally underrepresented in managerial-level positions in business, government, and civil society, although the number of women in the workforce increased compared with previous years. According to the Turkish Statistical Institute (TUIK), the labor participation rate for men was 78 percent and 35 percent for women. A joint 2020 study by TUIK and ILO estimated the gender pay gap in the country at 15.6 percent. Women were prohibited from working in select industries that require intensive physical labor. There was no prohibition against gender-based discrimination in access to credit, which remains a barrier to women's entrepreneurship.

Women in the country were disproportionately affected economically by the COVID-19 pandemic. Research by Confederation of Progressive Trade Unions of Turkey Research Center and the ILO's Turkey office concluded that the COVID-19 pandemic disproportionately affected women's labor force participation.

For companies with more than 50 workers, the law requires that at least 3 percent of the workforce consist of persons with disabilities while in the public sector the requirement is 4 percent. Despite these government efforts, NGOs reported examples of discrimination in employment of persons with disabilities.

LGBTQI+ individuals in particular faced discrimination in employment.

Employment laws allow the dismissal of public-sector employees found "to act in

a shameful and embarrassing way unfit for the position of a civil servant,” while some statutes criminalize the vague practice of “unchastity.” KAOS-GL and other human rights organizations noted that some employers used these provisions to discriminate against LGBTQI+ individuals in the labor market, although overall numbers remained unclear. Given the situation, some labor unions created commissions to strengthen efforts to combat discrimination.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The national minimum wage was greater than the estimated national poverty level.

The law establishes a 45-hour workweek with a weekly rest day. Overtime is limited to three hours per day and 270 hours a year. The law mandates paid holiday and leave and premium pay for overtime but allows for employers and employees to agree to a flexible time schedule.

The Ministry of Labor and Social Security’s Labor Inspectorate is responsible for enforcing wage and hour laws. The government effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors but not in other sectors. Workers in nonunionized sectors had difficulty receiving overtime pay to which they were entitled by law. The law prohibits excessive compulsory overtime. Labor inspectors conducted scheduled and unannounced inspections and had the authority to initiate sanctions. In 2020, the latest year for which data were available, inspectors conducted 9,170 inspections, the majority of which were unannounced. The number of labor inspectors, however, was insufficient to enforce full compliance.

**Occupational Safety and Health:** Government occupational safety and health (OSH) standards were not always up-to-date or appropriate for specific industries. OSH violations were particularly common in the construction and mining industries, where accidents were frequent, and regulations inconsistently enforced. The Health and Safety Labor Watch reported at least 1,359 workplace deaths during the first seven months of the year. In many sectors, including mining, workers could not remove themselves from situations that endangered their health or safety without jeopardizing their employment, and authorities did not effectively

protect vulnerable employees.

An October 14 explosion killed 41 miners in a coal mine in Amasra belonging to the state-owned Turkish Hard Coal Corporation. There were 110 miners underground when the explosion occurred; 58 were rescued and 11 hospitalized, some still in serious condition, according to reports. Minister of Energy and Natural Resources Fatih Donmez stated that even as investigations continue, early indications suggest the explosion happened because of firedamp. IndustriALL Global and IndustriALL Europe called on the government to include trade union representatives in the investigation.

**Wage, Hour, and OSH Enforcement:** The same labor inspectors that cover wages and hours are also responsible for enforcing occupational safety and health laws. The number of labor inspectors remained insufficient to enforce compliance with labor laws across the country. The government did not effectively enforce occupational safety and health in all sectors.

**Informal Sector:** Wage and hour laws did not cover workers in the informal economy, which accounted for more than 29 percent of the workforce. According to a November European Parliament report, the informal economy accounts for 32.9 percent of GDP. OSH laws and regulations covered both contract and unregistered workers but did not sufficiently protect them. Migrants and refugees working in the informal sector remained particularly vulnerable to substandard work conditions in a variety of sectors, including seasonal agriculture, industry, and construction. Most international protection status holders and temporary protection beneficiaries were working informally, as employers found the application process for work permits too burdensome (see section 2.e.).